

CA NO. 04-99003

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

* * *

TERRY JESS DENNIS, by and
through KARLA BUTKO, as Next
Friend,

Petitioner-Appellant,

vs.

MICHAEL BUDGE, Warden, and
BRIAN SANDOVAL, Attorney
General of the State of Nevada,

Respondents-Appellees.

D.C. No. CV-S-04-0798-PMP-RJJ
(Nevada, Las Vegas)

**Appeal from the United States District Court
for the District of Nevada**

APPELLANT'S EXCERPTS OF RECORD

Volume V of XI

FRANNY A. FORSMAN
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Counsel for Petitioner-Appellant

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Counsel for Petitioner-Appellant

INDEX

Page

1. PETITION FOR THE WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2254 BY A PERSON IN STATE
CUSTODY (CR 1) 0001
Dated June 14, 2004
2. PETITIONER'S EXHIBITS IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY
[VOLUME ONE OF THREE] (CR1) 0011
Dated June 14, 2004
3. PETITIONER'S EXHIBITS IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY
[VOLUME TWO OF THREE] (CR1) 0637
Dated June 14, 2004
4. PETITIONER'S EXHIBITS IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY
[VOLUME THREE OF THREE] (CR1) 1139
Dated June 14, 2004
5. APPLICATION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS (CR 6) 1726
Dated June 14, 2004
6. MEMORANDUM WITH RESPECT TO STANDING
OF NEXT FRIEND (CR 5) 1748
Dated June 14, 2004
7. MOTION FOR STAY OF EXECUTION (CR 8) 1768
Dated June 14, 2004

8.	MOTION TO DISMISS (CR 12)	1773
	Dated June 28, 2004	
9.	INDEX OF EXHIBITS IN SUPPORT OF MOTION TO DISMISS [COPIES OF EXHIBITS OMITTED] (CR 13)	1787
	Dated June 28, 2004	
10.	REPORTER'S TRANSCRIPT OF PETITION FOR WRIT OF HABEAS CORPUS, United States District Court Case No. CV-S-04-798-PMP, dated July 1, 2004	1796
11.	LETTER TO THOMAS E. BITTKER, M.D., Dated June 24, 2004	1876
12.	CURRICULUM VITAE OF THOMAS E. BITTKER, M.D.	1878
13.	ORDER IN A DEATH PENALTY CASE (CR 16)	1889
	Dated July 6, 2004	
14.	NOTICE OF APPEAL (CR 18)	1904
	Dated July 6, 2004	
15.	ORDER (CR 20)	1907
	Dated July 7, 2004	
16.	CLERK'S RECORD	1908

CERTIFIED
COPY

FEB 1 3 46 PM '84
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH
SNOHOMISH COUNTY

DECKET ✓
CALENDAR
EXCUTION
CIV. STAT.

THE STATE OF WASHINGTON

Plaintiff

vs.

TERRY J. DENNIS,

Defendant(s)

No. 84-1-00006-1

A M E N D E D
I N F O R M A T I O N

Comes now Seth R. Dawson, Prosecuting Attorney for the County of Snohomish, State of Washington, and by this, his Information, charges and accuses the above-named defendant(s) with the following crime(s) committed in Snohomish County, Washington:

COUNT I. SECOND DEGREE ASSAULT, committed as follows: That the defendant, on or about the 9th day of December, 1983, did knowingly assault Officers Farmer and Foster, a human being, with a weapon or other other instrument or thing likely to produce bodily harm, to-wit: a knife, the defendant being at said time armed with a deadly weapon, to-wit: a knife as defined by RCW 9.95.040; proscribed by RCW 9A.36.020(1)(c), a felony.

COUNT II. SECOND DEGREE ARSON, committed as follows: That the defendant, on or about the 9th day of December, 1983, did knowingly and maliciously cause a fire or explosion which damaged a building, located at 21713-48th Avenue West, Mountlake Terrace, Washington, the defendant being at said time armed with a deadly weapon, to-wit: a knife as defined by RCW 9.95.040; proscribed by RCW 9A.48.030, a felony.

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss.

I, PAM L. DANIELS, Clerk of the above entitled Court, do hereby certify that the foregoing instrument is a true and correct copy of the original now on file in my office.

In witness whereof, I hereunto set my hand and the Seal of said Court this

day of MAR 24 1999 19

PAM L. DANIELS, County Clerk

Deputy

SETH R. DAWSON
Prosecuting Attorney

JAMES C. TOWNSEND
Deputy Prosecuting Attorney



White Copy: Court File
Canary Copy: Defendant's Copy
Pink Copy: Prosecutor's Copy - RETAIN IN FILE
Goldenrod Copy: Defense Attorney's Copy

ER 0761

Date 03/09/1999 Case No. 22199 Case Type A
Other Agency Description _____
Name STRAUMANIS , ILONA ANITA
Alias _____
Address GENERAL DELIVERY
City RENO State NV Zipcode 89501
Age 58 YRS Approx. Age? N Sex F Race W DOB 08/18/1942



Record Of Death
Washoe County
Medical Examiner /
Coroner
10 Kirman Avenue
P.O. Box 11130
Reno, Nevada 89520
Phone: (775) 785-6114

Marital Status N Social Security No. 341-36-5566 Occupation UNEMPLOYED MAID
Reported By MEANS , CAPT. DON Date 03/09/1999 Time 19:40
Report Agency RENO POLICE DEPARTMENT
Investigator at Scene : Date 03/09/1999 Time 20:15
Identified By PICTORAL IDENTIFICATION
Next Of Kin SORENSEN , LIEVE Relationship COUSIN
Address 1223 ELGIN AVE. #2 City FOREST PARK State IL Zip 60130 Phone 708-209-1864
Notifications : Time _____ Date 03/12/1999 Who DET. MOHAMAD RAFAQAT
How Notified TELEPHONE Property Receipt 21303
Mortuary Preference O'BRIEN ROGERS & CROSBY Requested By FAMILY

Circumstances and Medical History Summary : Location Found Dead : 03/09/1999 16:15
Injury or Illness HORSESHOE MOTEL ROOM #S3 490 LAKE ST. RENO NV. Date 03/09/1999 Time 16:15
Transported by N/A
Emergency Room / Hospital N/A
Death Occurred AS ABOVE
Death Decision By OFFICER FRANK H. JOHNSON 03/09/1999 16:15
Private Physician _____ Phone 334-2175
Hospital Post Mort Exam _____ Phone _____
Coroner's Consultation _____ Consent _____
Autopsy A Autopsy Conducted By KATHERINE P. RAVEN M.D. Date 03/10/1999

- (A) Immediate Cause of Death : ASPHYXIA
(B) Due to , or as a consequence of COMPRESSION OF NECK BY STRANGULATION
(C) Due to , or as a consequence of _____
(D) Other Conditions : _____



Accident, Suicide, Homicide, or Undetermined	Date Found	Hour	Injury at Work	Place of Injury - at home, farm, Street, factory, office bldg., etc.
<u>HOMICIDE</u>	<u>03/09/1999</u>	<u>16:15</u>	<u>N</u>	<u>MOTEL</u>

How Injury Occurred STRANGLED BY KNOWN ASSAILANT
Location HORSESHOE MOTEL ROOM #S3 490 LAKE ST. RENO NV.

Toxicology Result EtOH Type L EtOH Level 0.370 EtOH From B Other Y
CO N Monoxide Level _____ Urine N Urine Result _____

Copies To RENO P.D. CASE #64128-99

PA Notified Y
WCSS Notified Y

See Subsequent Narrative Report Page(s)

ER 0763

107

Record of Death Narrative

STRAUMANIS, ILONA ANITA

0221-99

Detective Bob Bennett of the Reno Police Department reports that Terry Dennis of the Horseshoe Motel Room S3 at 490 Lake Street, in Reno Nevada telephoned the dispatcher at the Reno Police Department at 1610 hrs. on 03/09/99. Mr. Dennis reported that the 56-year-old victim was deceased in his room. Officer Frank Johnson of the Reno Police Department responded to the residence at 1615 hrs. and made the death decision.

Subsequent interviews conducted by the Reno Police Department led to statements by Mr. Dennis indicating his presence at the time of the victim's death and during an unknown number of days subsequent to the death.

The victim was found nude, lying in a semi-prone position across the east bed in the motel room. The victim's head was towards the southeast. Her left arm was over the east side of the bed. Her right leg was partially over the west side of the bed. A pillow was noted under the victim's lower abdomen. Her legs were spread apart. Rigor mortis was absent. Liver mortis was dependent anteriorly consistent with the position in which the body was found. The body was cool to touch. Blood was coming from her mouth and nose. The body was in an early state of decomposition with marbling of the skin, skin slippage, non-blanching lividity, and an odor.

A brown leather belt was observed lying on the carpeted floor on the east side of the bed between the bed and the wall. Two empty quart bottles of Natural Ice Beer, an empty 750-ml bottle of White Wolf Vodka, and an empty 750-ml bottle of McCormick's Vodka were observed on the counter in the bathroom. The bed on the west side of the room was unmade.

Kathy Raven, M.D. accompanied this deputy coroner to the scene of the incident. Dr. Raven obtained rectal swabs from the deceased. Personnel from the Forensic Investigation Services section of the Washoe County Sheriff's Office obtained hair specimens from the victim's buttocks. All specimens and the brown leather belt were taken into evidence by F.I.S.

The remains were placed in a new body bag, which was sealed by the undersigned deputy coroner. Personnel from O'Brien, Rogers, and Crosby Mortuary transported the victim at 2157 hrs. arriving at WCCO at 2203 hrs. The transportation of the remains was witnessed by this deputy coroner.

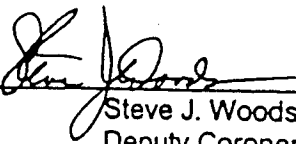
The victim's previous medical history includes: alcohol intoxication with possible benzodiazepine toxicity in 10/92; chronic ethanolism; "severe" hepatic function abnormality secondary to Acetaminophen toxicity in 1995; remote bilateral fractured wrists and left ankle with surgical repairs; gastrointestinal hemorrhage in 1995; renal failure in 1995; thrombocytopenia in 1995; cigarette abuse; cardiac murmur.

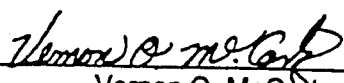
Record of Death Narrative

STRAUMANIS, ILONA ANITA

0221-99

This case was reported to the Washoe County Department of Social Services and Public Administrator's Office.


Steve J. Woods
Deputy Coroner


Vernon O. McCarty
Washoe County Coroner

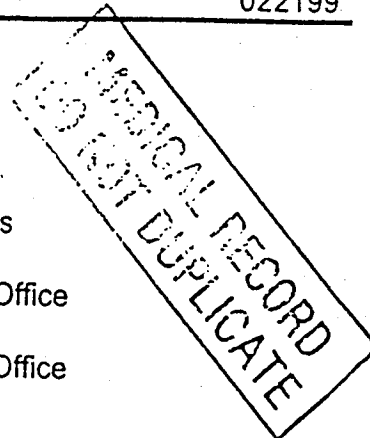
03/15/99
Date

AUTOPSY PROTOCOL

STRAUMANIS, Ilona A.

022199

DATE OF DEATH: March 9, 1999; (found)
DATE OF AUTOPSY: March 10, 1999; 0930 Hours
CONSENT GRANTED BY: Washoe County Coroner's Office
AUTOPSY PERFORMED AT: Washoe County Coroner's Office
PATHOLOGIST: Kathy P. Raven, M.D.



An autopsy is performed on the body of Ilona Straumanis, at the Washoe County Coroner's Office, Reno, Nevada, on the 9th day of March 1999 at 0930 hours.

EXTERNAL EXAMINATION

CLOTHING:

There is no clothing on or accompanying the body.

GENERAL DESCRIPTION:

The body is that of a normally developed white female appearing slightly younger than the recorded age of 56 years, weighing 126 pounds and measuring 64 inches in height. The body is in a state of moderate decomposition that is characterized by marbling, most prominent over the anterior surfaces of the body, especially over the legs, which extends posteriorly. There is green marbling over the back. There are large areas of skin slippage over the body and patchy dark green-purple discoloration. In addition, there is postmortem purge coming from the nose and mouth region. There is intense purple-red lividity present anteriorly, most prominent over the face and trunk region with large areas of pallor consistent with pressure. This extends onto the right shoulder and lateral trunk. In addition, there are linear areas of pallor consistent with the blankets underneath the body. Rigor mortis is lysed in the extremities and jaw.

The scalp is covered by brown hair measuring up to 3 inches. The facial skeleton is palpably intact. There is intense purple-red lividity and deep red-brown postmortem decomposition changes over the face with an area of pressure pallor over the left side of the face consistent with the found position. The ears are anatomically normal, as is the nose. There is a large amount of postmortem red purge coming from the nares and dripping onto the face. The eyes are natural and the sclerae are obscured due to intense postmortem lividity. In addition, assessment of the conjunctivae is difficult due to intense lividity and congestion but no obvious petechiae are present in the palpebral

AUTOPSY PROTOCOL

STRAUMANIS, Ilona A.

022199

conjunctiva bilaterally. There are two minute faint pinpoint bulbar petechiae present bilaterally which may represent lividity. The eyes are removed and put into stock. In addition, incisions into the periorbital tissue show red discoloration consistent with lividity with no obvious evidence of injury. The mouth contains natural dentition with several teeth missing, most prominent in the maxilla and the teeth that are remaining are in poor repair. The oral mucosa is intact with no evidence of injury and no petechiae identified. The neck is symmetric and the trachea is palpated in the midline. There is intense lividity over the anterior neck region with several areas of pallor due to pressure and natural folds in the neck. There is a rectangular shaped mark on the right side of the neck and measures 1 and ½ inches x 1 and ½ inches. There is no underlying soft tissue injury. The chest is normally developed, as are the breasts. There are areas of skin slippage and skin blebs. There are no masses palpated in the breasts. The abdomen is slightly distended with no masses palpated. Over the anterior trunk, there are large areas of intense lividity and areas of marbling and skin slippage.

The upper extremities are normally developed and symmetric bilaterally. The hands have been placed in paper bags, which are removed. The right hand is normal and the nails are irregularly trimmed with slight overhang. The left hand shows drying and mummification from the distal phalanges up to the wrist region. There is no obvious evidence of injury. Fingernail clippings are obtained for evidence. The dorsum of both wrists and hands are cut and shows no evidence of subcutaneous injury. The lower extremities are normally developed. There is marbling over both surface and lividity over the anterior surfaces. There are also areas of skin slippage. The feet are anatomically normal. The nails are irregularly trimmed with slight overhang. There is postmortem drying and dark green-black discoloration of the distal phalanges, most prominent on the right foot. There is intense marbling over the dorsum of the left foot. The soles of the feet are calloused and show marbling. The external genitalia is that of a normal adult female with dilatation of the vaginal orifice, most likely due to postmortem changes. The skin and mucosa surrounding the vagina are easily sloughed with manipulation. There is no evidence of injury to the mucosa externally or internally. Vaginal swabs are obtained and are submitted into evidence. The back is anatomically normal and has areas of green marbling and faint red-brown discoloration. There are also areas of skin slippage. The anus is dilated with the anal mucosa showing changes of decomposition with a yellow-pink mucoid fluid in the anus. There is no evidence of injury to the perianal skin or distal rectum. Anal swabs are obtained.

SCARS AND IDENTIFYING MARKS:

1. On the left medial ankle is a well-healed vertical linear 4 inch scar.
2. On the left wrist and forearm is a well-healed linear 4 inch scar.
3. On the left buttock is a well healed, slightly hyperpigmented 2 inch scar.

AUTOPSY PROTOCOL

STRAUMANIS, Ilona A.

022199

There are no other significant identifying scars or tattoos seen on the body.

EXTERNAL EVIDENCE OF INJURY:

1. On the left forehead above the supraorbital ridge is an oblique red-brown dried abrasion measuring 1 and ½ inches x ¾ of an inch.
2. On the right anterior neck, extending laterally is a rectangular shaped area of intense purple-red discoloration of the skin and appears to be a contusion; however, this is in an area of intense lividity. This measures 1 and ½ inch x 1 and ½ inch and has sharp linear borders.
3. On the left posterior thigh below the buttock is an area of faint purple-red contusion, which extends across the leg in a horizontal fashion in a band-like fashion and measures 5 inches. Below this, is an additional irregular, faint purple-red 2 inch contusion. This area is excised and shows a small amount of hemorrhage in the soft tissue.

INTERNAL EXAMINATION

INTERNAL EVIDENCE OF INJURY:

1. The skin of the neck is incised at autopsy and extends from the inferior chin down the midline of the chin to the sternum. The skin is reflected and shows soft tissue hemorrhage in the subcutaneous tissue in the midline. The superficial strap muscles, which are exposed after the skin is reflected, show purple-red discoloration. These superficial muscles are likewise reflected muscle by muscle and show a large amount of hemorrhage in the midline and toward the right underlying this area. Deeper down, there is a focal 1/8 of an inch hemorrhage present in the midline just to the right of midline over the hyoid bone. The thyroid bone and hyoid bone show no evidence of fracture.
2. There is a fracture of the upper body of the sternum. The soft tissue overlying this fracture shows increased intensity of purple-red discoloration, more intense than other areas and most likely represents hemorrhage versus lividity. There are no fractures of the ribs; however, the bones are easily fractured postmortem by the pathologist with manual manipulation at autopsy.

BODY CAVITIES:

The body is opened by the usual thoraco-abdominal, Y-shaped incision and the chest plate is removed. No adhesions or abnormal collections of fluid are present in any of

AUTOPSY PROTOCOL

STRAUMANIS, Ilona A.

022199

the body cavities. All body organs are present in the normal anatomical position. The subcutaneous fat layer of the abdominal wall is $\frac{3}{4}$ of an inch thick.

HEAD (CENTRAL NERVOUS SYSTEM):

The scalp is reflected. The calvarium of the skull is partially removed. The dura mater and falx cerebri are intact. The brain weighs 1320 grams. The leptomeninges are thin and delicate. The cerebral hemispheres are symmetrical but are friable with early liquefaction due to postmortem decomposition. The structures at the base of the brain, including cranial nerves and blood vessels, are intact. Coronal sections through the cerebral hemispheres reveal no lesions. Transverse sections through the brain stem and cerebellum are unremarkable. The spinal cord is not removed.

NECK:

All injury to the neck is described above. No other abnormalities are noted.

CARDIOVASCULAR SYSTEM:

The heart weighs 330 grams and has a normal contour. The pericardial surfaces are smooth, glistening and unremarkable; the pericardial sac is free of significant fluid or adhesions. The coronary arteries arise normally, follow the usual distribution with no evidence of significant atherosclerosis or thrombosis in the left circumflex coronary artery and right coronary artery. There is, however, focal calcifying atherosclerosis involving the left anterior descending coronary artery approximately 2.0 cm. from its origin and is grossly occluding the lumen greater than 90%. The chambers and valves bear the usual size-position relationship and are unremarkable. The myocardium is dark red-brown, firm, and unremarkable; the atrial and ventricular septa are intact. The aorta and its major branches arise normally, follow the usual course and are widely patent, free of significant atherosclerosis and other abnormality. The vena cava and its major tributaries return to the heart in the usual distribution and are free of thrombi.

RESPIRATORY SYSTEM:

The right and left lungs weigh 590 and 580 grams, respectively. The upper airway is clear of debris and foreign material; the mucosal surfaces are smooth, yellow-tan and unremarkable. The pleural surfaces are smooth, glistening and unremarkable bilaterally, except as otherwise noted. The pulmonary parenchyma is dark red-purple exuding slight to moderate amounts of blood and frothy fluid; no focal lesions are noted. The pulmonary arteries are normally developed, patent, and without thrombus or embolus.

AUTOPSY PROTOCOL

STRAUMANIS, Ilona A.

022199

LIVER AND BILIARY SYSTEM:

The liver weighs 1450 grams. The hepatic capsule is smooth, glistening and intact, covering dark red-brown, moderately congested parenchyma, with no focal lesions noted. The gallbladder contains approximately 5 cc. of dark green bile. The extrahepatic biliary tree is patent, without evidence of calculi.

ALIMENTARY TRACT:

The esophagus is lined by gray-white, smooth mucosa. The gastric mucosa is arranged in the usual rugal folds and the lumen contains no significant contents. The small and large bowel are unremarkable. The appendix is present. The pancreas has a normal gray-white, lobulated appearance and the ducts are clear.

GENITOURINARY TRACT:

The right and left kidneys weigh 140 and 160 grams, respectively. The renal capsules are smooth and thin, semitransparent, and strip with ease from the underlying smooth, red-brown, slightly and superficially lobulated cortical surface. The cortex is slightly congested and is sharply delineated from the medullary pyramids, which are red-purple to tan and unremarkable. The calyces, pelves and ureters are unremarkable. The urinary bladder contains no urine; the mucosa is gray-tan and smooth. The uterus and adnexal structures are in the normal position. The cervix appears to be nulliparous. The portion of distal vaginal wall and vaginal cuff show no evidence of injury.

RETICULOENDOTHELIAL SYSTEM:

The spleen weighs 70 grams and has a smooth, intact capsule covering red-purple, moderately firm parenchyma; the lymphoid follicles are unremarkable. The regional lymph nodes appear normal. The bone marrow is red-purple, homogeneous, without evidence of focal abnormality.

ENDOCRINE SYSTEM:

The pituitary, thyroid, and adrenal glands are unremarkable.

MUSCULOSKELETAL SYSTEM:

The bony framework is unremarkable, except as otherwise noted. The supporting musculature and soft tissue are not unusual.

AUTOPSY PROTOCOL

STRAUMANIS, Ilona A.

022199

MISCELLANEOUS PROCEDURES/SPECIMENS RETAINED:

1. Full body fluoroscopy
2. Rectal washing with wet mount slide examination shows no evidence of spermatozoa.
3. Evidence collected as listed on Washoe County Coroner's evidence sheet.

MICROSCOPIC EXAMINATION

Lung: autolysis and decomposition
Heart: autolysis and decomposition
Kidney: autolysis and decomposition
Liver: autolysis and decomposition
Brain: autolysis and decomposition
Soft tissue, eye (R)(L) collections of autolyzed blood: cannot rule out hemorrhage versus lividity; iron is negative.
Soft tissue adjacent to sternal fracture: no obvious hemorrhage on selected section.

TOXICOLOGY

Comprehensive Blood Screen:

Results: Ethanol = 0.37 GRAM%
Phenylpropanolamine, ephedrine and pseudoephedrine identified.
No other drugs identified in blood.

PATHOLOGIC DIAGNOSES

1. Asphyxia due to neck compression (by history) with soft tissue and strap muscle hemorrhage of the neck
2. Fracture of sternum
3. Minor cutaneous contusion of the left leg and cutaneous abrasion of the left side of the head
4. Pre-existing natural disease, with focal severe coronary atherosclerosis of the left anterior descending coronary artery
5. Postmortem decomposition, moderate


AUTOPSY PROTOCOL

STRAUMANIS, Ilona A.

022199

CAUSE OF DEATH

The cause of death in this 56 year old female is attributed to asphyxia due to compression of neck with the given history of manual and ligature strangulation.


Kathy P. Raven, M.D.
Pathologist

PATIENT STRAUMANIS 0221-99A, ILONA
AGE/SEX 36Y F
COLLECTED 03/10/1999 10:45
RECEIVED 03/11/1999 10:39
TOXICOLOGY NO. 99-019210
APL ROUTE RENO
REFERRED BY WASHOE COUNTY CORONER-MED EXAM
ACCESSION NO. 01791095
MED. RECORD NO. 0006861923
CHART NO.
SS NO.
P.O. BOX 11130
RENO, NV 89502
15162

TOXICOLOGY REPORT

TEST NAME - SPECIMEN

COMPREHENSIVE BLOOD SCREEN

RESULTS: ETHANOL = 0.37 GRAMX

PHENYLPROPANOLAMINE, EPHEDRINE AND PSEUDOEPHEDRINE IDENTIFIED.
NO OTHER DRUGS IDENTIFIED IN BLOOD.

THE FOLLOWING BLOOD SCREEN FOR ACIDIC, NEUTRAL AND BASIC DRUGS
INCLUDES BUT IS NOT LIMITED TO:

Anitriptyline	Amphetamine	Benzoyllecgonine
Cocaine	Codeine	Desipramine
Diphenhydramine	Hydrocodone	Hydromorphone
Imipramine	Lidocaine	Meperidine
Methadone & Metabs	Methamphetamine	Methaqualone
Morphine	Nortriptyline	Oxycodone
Pentazocine	Phencyclidine	Phenylpropanolamine
Propoxyphene & Metabolites		
Acetaminophen	Amobarbital	Barbital
Butabarbital	Butalbital	Carbamazepine
Chlordiazepoxide	Diazepam	Ethchlorvynol
Ethosuximide	Glutethimide	Mephobarbital
Meprobanate	Methaqualone	Methsuximide
Methypylon	Nordiazepam	Pentobarbital
Phenobarbital	Phenytoin	Salicylate
Secobarbital	Theophylline	Valproic Acid

ER 0773

117

Kusick
Copied 6/8/99
DENNIS

DA# 176802

KATHERINE P. RAVEN, MD**CURRICULUM VITAE****EDUCATION**

- | | |
|-----------|--|
| 1996-1997 | Fellowship in Forensic Pathology
King County Medical Examiner's Office
Seattle, Washington |
| 1995-1996 | Fellowship in Neuropathology
University of Washington
Seattle, Washington |
| 1991-1995 | Residency in Anatomical and Clinical Pathology
University of Colorado Health Science Center
Denver, Colorado |
| 1987-1991 | University of Nevada School of Medicine
Reno, Nevada
MD degree |
| 1982-1986 | University of Nevada, Reno
Reno, Nevada
Bachelor of Science |

EMPLOYMENT

- | | |
|-----------|--|
| Present- | Sierra Pathology Associates
Forensic Pathologist
475 Kirman St.
Reno, NV. 89509 |
| 1997-1998 | University of Washington
Forensic Pathologist
Seattle Washington |
| 1994-1995 | Mile High Transplant Bank
Autopsy Pathologist
Denver, Colorado |
| 1994-1995 | Wardenburg Health Center
Lectures of Pathology
Denver, Colorado |

FROM : SIERRA PATHOLOGYW

PHONE NO. : 7023343417

Jun. 04 1999 08:56AM P3

KATHERINE P. RAVEN, MD

CURRICULUM VITAE

BOARD CERTIFICATION

Forensic Pathology Board Certification, September 1998
Anatomical and Clinical Pathology Board Certification, May 1998
National Board of Medical Examiners, Part I, II, III,

MEDICAL LICENSURE

Nevada State Medical License: 8663
Washington State Medical License: MD00033131

HONORS

Best Resident Paper Award, National Association of Medical
Examiner's National Meeting, September, 1997

Elected College of Pathologist's (CAP) Colorado State
Representative, 1994-1995

Alpha Epsilon Delta Honor Society
1982-1986

ACADEMIC/OTHER POSTITIONS

Pathology 6000 Instructor, University of Colorado School of
Medicine, Denver, Colorado,

Pathology Instructor, Child Health Associates Program,
Denver, Colorado

Pathology Instructor, Medical Technology School, Wardenburg
Health Center, Denver, Colorado,

Clinical Communication and Interviewing Class Instructor,
Reno, Nevada

FROM : SIERRA PATHOLOGY

PHONE NO. : 7823343417

Jun. 04 1999 08:56AM P4

KATHERINE P. RAVEN, MD

CURRICULUM VITAE

PROFESSIONAL ORGANIZATIONS

National Association of Medical Examiners
American Association of Forensic Science
American Medical Association
American Society of Clinical Pathologists (ASCP)
College of Pathologist (CAP)

RESEARCH AND PUBLICATIONS

Artifactual Injuries Associated with Resuscitative Intubation, Kathy Raven, M.D. Donald T. Reay, M.D., & Richard C. Harruff, M.D., Ph.D.,
(Paper accepted and pending publication in The American Journal of Forensic Medicine and Pathology)

Heroin-Related Deaths in King County, Kathy Raven, M.D., Richard C. Harruff, M.D., PhD (In progress)

Aging of Cerebral Cortical Contusions, Kathy Raven, M.D., Ellsworth Alvord, M.D., & Richard C. Harruff, M.D., PhD (in progress)

Adrenal Cortical Carcinoma: Prognostic Factors and Flourescence In-Situ Hybridization (FISH), Research

No. CB99-0611

State of Nevada
vs.

Terry Jess Dennis
Ex. 9

Admitted: 7/19, 1999
AMY HARVEY, CLERK

By [Signature]
Deputy

ORIGINAL

FILED

99 JUN -8 P12:44

AMY HARVEY CLERK
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8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
9 IN AND FOR THE COUNTY OF WASHOE.

10 * * *

11 THE STATE OF NEVADA,

12 Plaintiff,

13 v.

Case No. CR99-0611

14 TERRY JESS DENNIS,

Dept. No. 1

15 Defendant.

16 NOTICE OF EVIDENCE IN AGGRAVATION

17 COMES NOW, the State of Nevada, by and through RICHARD
18 A. GAMMICK, District Attorney of Washoe County, and DANIEL J.
19 GRECO, Deputy District Attorney, and offers its Notice of
20 Evidence in Aggravation pursuant to SCR 250(4)(f).

21 EVIDENCE PERTAINING TO AGGRAVATING FACTORS

22 At the penalty hearing the State will introduce the
23 certified copies of the court documents evidencing the
24 defendant's three prior felony convictions which involved the use
25 or threat of violence on the person of another, as outlined in
26 the State's Notice of Intent To Seek Death Penalty filed on April
14, 1999. Specifically, the defendant was convicted of felony

Vol. I.

1 Assault in the Second Degree in Snohomish County Superior Court,
2 Washington, in 1979, and defendant was further convicted of
3 felony Assault in the Second Degree and felony Second Degree
4 Arson in Snohomish County Superior Court, Washington, in 1984.
5 Copies of the court documents that the State will seek to
6 introduce have previously been provided to defense counsel in the
7 discovery process. Additionally, the State will present the
8 following witnesses to testify regarding the facts underlying the
9 three aforementioned felony offenses involving the use or threat
10 of violence: 'Bonnie Dennis, P. O. Box 262, Sumpter, Oregon 97877;
11 Barbara (Prosser) Johnson, 11043 White Mountain Road, Sun City,
12 Arizona 85351; Lana Miller, 1823 204th street SW, Lynwood,
13 Washington 98036; and Commander (formerly Officer) Stephen
14 Foster, Mount Lake Terrace Police Department, 5906 232nd Street
15 SW, Lake Terrace, Washington 98043. Said witnesses will testify
16 consistently with the contents of the police reports and witness
17 statement detailing the above-described felony offenses involving
18 the use or threat of violence. Copies of said reports and
19 witness statements have previously been provided to defense
20 counsel in the discovery process.

21 Additionally, the State will present evidence that the
22 defendant subjected the victim of the murder, Ilona Straumanis,
23 to non-consensual sexual penetration immediately before, during
24 or immediately after the commission of the murder. Specifically,
25 the State will present the detailed admissions of the defendant
26 pertaining to this specific aggravator which were made in his two

1 video taped police interviews which occurred on March 9, and
2 March 10, 1999. Additionally, the State may present testimony
3 from Dr. Kathy Raven pertaining to this aggravator. Dr. Raven
4 conducted the autopsy on the victim, Ilona Straumanis, on March
5 10, 1999. If Dr. Raven is questioned regarding this particular
6 aggravator, she will testify regarding her observations and
7 conclusions pertaining to her examination of the vaginal and
8 rectal areas of the victim's body. Dr. Raven will testify
9 consistently with the contents of the autopsy protocol which she
10 prepared in this matter, a copy of which has previously been
11 provided to defense counsel in the discovery process.

2 OTHER EVIDENCE TO BE PRESENTED AT PENALTY HEARING

13 At the penalty hearing the State will also present
14 evidence pertaining to the following: the facts and
15 circumstances of the instant murder; the defendant's criminal
16 history; the defendant's character; information pertaining to the
17 victim and the impact of the crime upon her relatives and
18 friends; and other evidence, pursuant to NRS 175.552(3).
19 Although notice of this evidence is not required by SCR
20 250(4)(f), the State is providing the following information as a
21 courtesy to the court and defense counsel.

22 The State will call the 911 dispatcher who received the
23 initial call from the defendant on March 9, 1999, at
24 approximately 4:00 o'clock p.m. The 911 dispatcher will
25 authenticate the tape of the call and the tape will then be
26 played for the court. During the tape the defendant makes

1 various admissions pertaining to the murder. A copy of the tape,
2 as well as a transcript of the call, have previously been
3 provided to defense counsel in the discovery process.

4 The State may also call Dan Edminster as a witness at
5 the penalty hearing. On March 9, 1999, at approximately 11:00
6 o'clock p.m., the defendant bragged to Edminster that he would be
7 on the news that evening.

8 The State will call Detective Robert Bennett of the
9 Reno Police Department as a witness at the penalty hearing.
10 Inter alia, Detective Bennett responded to the Horseshoe Motel,
11 490 Lake Street, Room S-3, on March 9, 1999. Detective Bennett
12 assisted various police personnel and F.I.S. personnel in
13 examining and searching the room, after a search warrant had been
14 obtained. Said room is the room where the murder occurred.
15 Detective Bennett will describe the condition of the room, items
16 located therein, and the position and condition of the body of
17 the victim, Ilona Straumanis. Detective Bennett will also
18 authenticate various photographs of the room and the victim's
19 body that will be introduced into evidence. Detective Bennett
20 will testify consistently with the contents of the report which
21 he generated in this matter, a copy of which has been previously
22 provided to defense counsel during the discovery process.

23 Detective Jim Burke of the Reno Police Department will
24 also be called as witness during the penalty hearing. Inter alia,
25 Detective Burke will testify regarding his initial contact with
26 the defendant at the Horseshoe Motel at approximately 4:30 p.m.

1 on March 9, 1999. Detective Burke will summarize his contact and
2 conversation with defendant at the scene including the defendant
3 agreeing to accompany police to the Reno Police Department.
4 Detective Burke will also authenticate the video tape of his
5 subsequent interview of the defendant at the Reno Police
6 Department. Said interview commenced at approximately 5:00
7 o'clock p.m. on March 9, 1999. The video tape will be introduced
8 at the penalty hearing. A copy thereof, as well as a transcript
9 thereof, have been previously provided to defense counsel in the
10 discovery process. During the interview the defendant made an
11 extremely detailed confession to the murder of Ilona Straumanis.
2 He also talked about various, related matters.

13 The State may also call Detective Joe Depczynski as a
14 witness. On March 10, 1999, Detective Depczynski conducted a
15 second video taped interview of the defendant at the Washoe
16 County Jail. If called to the stand Detective Depczynski will
17 authenticate the video tape of the interview. In this second
18 interview the defendant summarizes his life history, his previous
19 relationships with women and other persons, his criminal history
20 and the specifics thereof, his actions prior to and subsequent to
21 the murder of Ilona Straumanis, as well as some additional
22 details of the murder of Ilona Straumanis. A copy of the tape of
23 the interview, and a transcript thereof has been previously
24 provided to defense counsel in the discovery process.

5 Dr. Kathy Raven will testify at the penalty hearing.
26 In addition to the matters discussed at page 3 supra, Dr. Raven

1 will testify in detail regarding her observations and conclusions
2 pertaining to the autopsy she performed on Ilona Straumanis on
3 March 10, 1999. Inter alia, Dr. Raven will testify regarding the
4 extensive subcutaneous hemorrhage she observed within the neck of
5 the victim. She will also testify regarding various external
6 bruises or injuries she observed on the body of the victim. Dr.
7 Raven will offer the opinion that the cause of death of Ilona
8 Straumanis was asphyxia due to compression of the neck,
9 consistent with manual and/or ligature strangulation. Dr. Raven
10 will testify consistently with the contents of the autopsy
11 protocol she generated, a copy of which has been previously
12 provided to defense counsel in the discovery process. Dr. Raven
13 will also authenticate the various photographs of the victim's
14 body which will be introduced into evidence at the penalty
15 hearing. Defense counsel has been provided with copies of these
16 photos, as well as copies of all the other photos in the case,
17 through the discovery process.

18 The State may also call one or more relatives or
19 friends of victim Ilona Straumanis to testify about the life and
20 character of Straumanis and the impact of the crime upon them.
21 The names and addresses of said witnesses are not known at this
22 time.

23 Although it is unlikely, the State may also call the
24 following witnesses at the penalty hearing: Detective Mohammad
25 Rafaqat, Reno Police Department; Officer Frank Johnson, Reno
26 Police Department; Tony Leal, Washoe County Crime Lab and Richard

1 Marsh, 490 Lake Street, #211, Reno, Nevada. If any of these
2 witnesses are called at the penalty hearing they will testify
3 consistently with the reports and witness statements they
4 generated in this matter, copies of which have been previously
5 provided to defense counsel in the discovery process.

6 Dated this 8th day of June, 1999.

7 RICHARD A. GAMMICK
8 District Attorney
9 Washoe County, Nevada

10 By Daniel J. Greco
11 DANIEL J. GRECO
12 Deputy District Attorney

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CERTIFICATE OF FORWARDING

I hereby certify that I am an employee of the Washoe
County District Attorney's Office and that, on this date, I
forwarded a true copy of the foregoing document, through the
Washoe County interagency mail, addressed to:

MAIZIE PUSICH, DEPUTY PUBLIC DEFENDER
P.O. BOX 30083
RENO, NEVADA 89520-3083

DATED this 1st day of June, 1999.

Vicki Harmon

ER 0786

12993

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2 MAIZIE W. PUSICH, Chief Deputy, #2808
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9
10
11 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
12
13 IN AND FOR THE COUNTY OF WASHOE
14
15 STATE OF NEVADA,
16

17 Plaintiff

18 v.

Case No. Cr99-0611

19 TERRY JESS DENNIS,

Dept. No. 1

20 Defendant.
21 _____/

22 DEFENDANT'S MEMORANDUM RE: SENTENCING

23 COMES NOW TERRY JESS DENNIS, by and through the Washoe
24 County Public Defender, MICHAEL R. SPECCHIO, and Chief Deputies
25 MAIZIE W. PUSICH, and JOHN R. PETTY, and hereby submits the
26 following memorandum regarding his sentencing scheduled to
commence July 19, 1999, before District Court Judges JANET

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filed in open court
7/20/99
11 a.m.

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1 In this case, in addition to extreme mental or emotional
2 disturbance, several other factors mitigate against a death
3 sentence:

- 4 1. THE DEFENDANT RECOGNIZED THAT HE POSED A RISK TO
5 OTHERS, AND SOUGHT PROFESSIONAL ASSISTANCE ONLY WEEKS
6 BEFORE THE MURDER OCCURRED.

7 Mr. DENNIS went to the Veteran's Administration Medical
8 Center on January 7, 1999. He advised the staff that things
9 were out of control. He was crying, and saying he wanted to
10 hurt somebody. He told the VA that he had picked up a girl the
11 night before, "with the sole intent of killing her" just for
12 the sake of killing. The hospital notes that the defendant was
13 exhibiting bizarre behavior, talking and answering himself.

14 (The same phenomenon occurs on the tape-recorded interviews of
15 Mr. DENNIS following the killing of Ms. STROUMANIS. The police
16 leave the room, and Mr. DENNIS continues to converse for
17 several minutes in their absence). *almost an hour total*

18 The VA kept Mr. DENNIS on its psychiatric unit for eight
19 days, then released him. His condition upon discharge was
20 "fair." Although told that he had to take his valproic acid,
21 trazadone, and prozac prescriptions, and told not to drink
22 alcohol, Mr. DENNIS took his medication only sporadically, and
23 continued to drink alcohol. Mr. DENNIS reported during a visit
24 to the VA on February 2, 1999, that it had been two days or
25 more since he had taken ANY of his medications. He denied that
26 he intended to hurt himself or others. He was not admitted,
but was told to return on March 2, 1999, which he did.

1 On March 2, 1999, Mr. DENNIS got his prescriptions
2 refilled. He denied drinking alcohol, and denied thoughts of
3 harming himself or others. The notes show that Mr. DENNIS was
4 calm, pleasant and cooperative. He was scheduled to return for
5 follow-up on March 16, 1999. By March 16, Mr. DENNIS was in
6 custody charged with murder.

7 The Division's presentence report lists Mr. DENNIS' mental
8 health history as unverifiable without his consent. Mr.
9 DENNIS, acting on the advice of counsel, declined to speak with
10 Parole and Probation. However, copies of his records have been
11 provided for the Court's review.

12 2. MR. DENNIS REPORTED THE CRIME TO THE POLICE.

13 It is uncontroverted the 911 call to police was made by
14 Mr. DENNIS, who then remained at the Horseshoe motel until
15 police arrived. Mr. DENNIS specifically requested detectives,
16 and declined to discuss the case until their arrival. However,
17 once detectives responded, Mr. DENNIS voluntarily accompanied
18 them to the Reno Police Department, and answered questions, and
19 later answered questions at the Washoe County Detention
20 Facility. Mr. DENNIS expressed frustration with questions
21 being asked repeatedly, but did not refuse to answer questions.

22 3. MR. DENNIS ACCEPTED RESPONSIBILITY FOR HIS ACTIONS BY
23 PLEADING GUILTY.

24 Mr. DENNIS had a Constitutional right to a jury trial,
25 pursuant to the United States and Nevada Constitutions.
26 Although Mr. DENNIS confessed to having committed the crime,

1 the Court is aware that a confession does not remove the jury
2 trial right (it frequently makes the defense of the case more
3 difficult, but does not preclude a trial).

4 Mr. DENNIS first advised police on the scene that he
5 planned to plead guilty. He confirmed his position during the
6 formal police interviews. He plead guilty at his District
7 Court arraignment, his first opportunity to do so.

9 Trials can be traumatic events for friends and relatives
10 of crime victims. By pleading guilty, Mr. DENNIS permitted the
11 loved ones of ILONA STROUMANIS to avoid that trauma.

12 As the Court well knows, any jury trial is expensive and
13 time consuming. A jury trial in a murder case is even more
14 expensive than other criminal trials. And, a capital murder
15 trial is frequently the most expensive of criminal trials. By
16 pleading guilty, Mr. DENNIS saved the taxpayers of Washoe
17 County a considerable sum of money (it is not unusual for total
18 costs in a capital murder trial to approach a quarter of a
19 million dollars, e.g. State v. David Middleton, held in Washoe
20 County before Department 7, in September, 1997).

22 Interestingly, one of Mr. DENNIS comments to police was that he
23 did not plan to go to trial and would save the taxpayers the
24 money.

25 ///

1 4. MR. DENNIS HAS A LENGTHY, AND DOCUMENTED, HISTORY OF
2 SUICIDE ATTEMPTS. HIS APPARENT ACQUIESCENCE IN THE
3 STATE'S DESIRE TO KILL HIM APPEARS TO BE YET ANOTHER
SUICIDE ATTEMPT.

4 Mr. DENNIS has been admitted to West Hills Hospital,
5 Nevada Mental Health Institute, and the Veteran's
6 Administration Medical Center, to deal with problems involving
7 suicidal and homicidal ideation. Mr. DENNIS' first involvement
8 with mental health problems occurred in the mid-1960s, when he
9 attempted suicide while in the military.

10 During his 1983 arrest in Washington, Mr. DENNIS
11 reportedly attempted to resist arrest, despite being surrounded
12 by several police officers with firearms, while he himself had
13 only a pocket knife. He told the officers to "go ahead and
14 blow him away," according to the report of Officers Farmer and
15 Henson of the Mountlake Terrace Police. He ended up both shot
16 by police, and bitten by the police dog. Per Officer Holmes'
17 report the dog was merely distracting Mr. DENNIS by biting him,
18 after Mr. DENNIS had been shot, and the civilian witnesses had
19 heard him drop the knife, and seen him fall to the ground.
20 Even after suffering those injuries civilian witness, Ed
21 Howell, heard Mr. DENNIS say to just leave him alone.

22 The following documents Mr. DENNIS' continuing contacts
23 with mental health professionals, to treat Mr. DENNIS for
24 problems including suicidal ideation:

25 ///

26 ///

FACILITY	DATE ADMITTED	DATE OF DISCHARGE	DIAGNOSIS	VOL/INVOL Or Out-P	CHIEF COMPLAINT
Andrews AFB	1965	1965	Suicide att.	Invol.	
NMHI	1/16/95		Major dep Suicidal	Out-P	AV hall.
NMHI	8/19/95	8/30/95	Suicidal Dep., APD	Vol.	AV hall.
NMHI	9/1/95	9/1/95	Suicide Threats	Out-P	
NMHI	6/13/96	6/28/96	Major dep APD, ALC	Vol	Cornered desperate
West Hills	7/7/98		Dep, alc, paranoia, PTSD, dep single episode, alc	Vol.	
West Hills	8/12/98	8/28/98	PTSD BI-POLAR ALC, APD	Vol.	Suicidal
VAMC	9/28/98	10/9/98	SI/HI, alc	Vol.	
VAMC	1/7/99	1/15/99	SI/HI	Vol	"losing it"

Legend: AV Hall = audiovisual hallucinations
 ALC = alcohol
 SI = suicidal ideation
 HI = homicidal ideation
 APD = antisocial personality disorder

Thus, it appears Mr. DENNIS has actively attempted suicide in 1965, in 1982 (by goading numerous police officers with firearms to shoot him, while armed with only a pocket knife), and in 1999, by doing nothing to try to save himself in this case.

Mr. DENNIS has been admitted to local psychiatric hospitals on at least six occasions in the past four years, and has had several out-patient contacts also.

Interestingly, during his July, 1998, admission, the depression from which he was diagnosed as suffering, was

1 characterized as a "single incident." Clearly, the person
2 making that diagnosis had incomplete information.

3 5. MR. DENNIS WAS HONORABLY DISCHARGED FROM THE UNITED
4 STATES AIR FORCE AFTER SERVING TWO TOURS OF DUTY, FROM
5 1965-1968, INCLUDING NON-COMBAT SERVICE IN VIET NAM
AND THAILAND.

6 Counsel for the defendant was unable to obtain copies of
7 Mr. DENNIS military records. However, it should be noted that
8 the Division of Parole and Probation has verified his service
9 and the dates thereof. Presentence Report, page 7, paragraph
10 titled "military."

11 6. MR. DENNIS WAS THE VICTIM OF ABUSE, INCLUDING INCEST,
12 AS A CHILD, RESULTING IN POST TRAUMATIC STRESS
13 DISORDER, WHICH HAS INFLUENCED HIS CONDUCT AS AN
ADULT.

14 A review of Mr. DENNIS mental health records show that he
15 has been diagnosed with PTSD. Yet, subsequent to his PTSD
16 diagnosis the records fail to disclose treatment for that
17 condition.

18 7. MR. DENNIS AND MS. STROUMANIS HAD BEEN DRINKING
19 HEAVILY FOR THE THREE TO FOUR DAYS BEFORE HER DEATH;
20 AND THE DEFENDANT CONTINUED TO DRINK FOR TWO TO THREE
21 MORE DAYS, BEFORE HE REPORTED THE CRIME.

22 Mr. DENNIS reported to police during his interviews that
23 they had been putting away a fifth of vodka every few hours.
24 An empty fifth was found in the room, and Mr. DENNIS advised
25 police that he had taken some bottles out with the trash. Ms.
26 STROUMANIS' blood alcohol at autopsy was .37 gram%. Mr.

1 DENNIS' blood alcohol was found on testing to be .112, and
2 descending in three graduated draws.

3 8. MR. DENNIS HAS BEEN INCARCERATED IN THE PAST, AND
4 NO EVIDENCE HAS BEEN PRESENTED THAT HE WAS A
5 MANAGEMENT PROBLEM TO THE AUTHORITIES, WHILE IN
6 CUSTODY. SINCE HIS ARREST IN THIS CASE, MR. DENNIS
7 HAS NOT BEEN A MANAGEMENT PROBLEM FOR THE WASHOE
8 COUNTY DETENTION FACILITY.

9 While initially housed in administrative segregation due
10 to the nature of the offense, Mr. DENNIS was moved shortly
11 after his arrest to a training unit, and after completing the
12 requirements of that unit, to general population. He has
13 incurred no disciplinaries while at the Washoe County Detention
14 Facility, despite the fact that his current legal posture
15 leaves him with little to lose.

16 The United States Supreme Court, in Skipper v. South
17 Carolina, 476 U.S. 1, 106 S.Ct. 1669, 90 L.Ed.2d 1 (1986), held
18 that mitigating evidence which a Court or jury in a capital
19 sentencing cannot be precluded from considering includes good
20 post-arrest behavior.

21 There is no disputing that this Court's decision in
22 Eddings requires that in capital cases " 'the sentencer
23 ... not be precluded from considering, as a mitigating
24 factor, any aspect of a defendant's character or record
25 and any of the circumstances of the offense that the
26 defendant proffers as a basis for a sentence less than
death.' " Eddings, supra, 455 U.S., at 110, 102 S.Ct., at
874 (quoting Lockett, supra, 438 U.S., at 604, 98 S.Ct.,
at 2964 (plurality opinion of BURGER, C.J.)) (emphasis in
original). Equally clear is the corollary rule that the
sentencer may not refuse to consider or be precluded from
considering "any relevant mitigating evidence." 455 U.S.,

1 at 114, 102 S.Ct., at 877. These rules are now well
2 established, and the State does not question them.

3 Accordingly, the only question before us is whether the
4 exclusion from the sentencing hearing of the testimony
5 petitioner proffered regarding his good behavior during
6 the over seven months he spent in jail awaiting trial
7 deprived petitioner of his right to place before the
8 sentencer relevant evidence in mitigation of punishment.
9 It can hardly be disputed that it did. The State does not
10 contest that the witnesses petitioner attempted to place
11 on the stand would have testified that petitioner had been
12 a well-behaved and well-adjusted prisoner, nor does the
13 State dispute that the jury could have drawn favorable
14 inferences from this testimony regarding petitioner's
15 character and his probable future conduct if sentenced to
16 life in prison. Although it is true that any such
17 inferences would not relate specifically to petitioner's
18 culpability for the crime he committed, see Koon I, supra,
19 278 S.C., at 536, 298 S.E.2d, at 774, there is no question
20 but that such inferences would be "mitigating" in the
21 sense that they might serve "as a basis for a sentence
22 less than death." Lockett, supra, 438 U.S., at 604, 98
23 S.Ct., at 2965. Consideration of a defendant's past
24 conduct as indicative of his probable future behavior is
25 an inevitable and not undesirable element of criminal
26 sentencing: "any sentencing authority must predict a
convicted person's probable future conduct when it engages
in the process of determining what punishment to impose."
Jurek v. Texas, 428 U.S. 262, 275, 96 S.Ct. 2950, 2958, 49
L.Ed.2d 929 (1976) (opinion of Stewart, POWELL, and
STEVENS, JJ.). The Court has therefore held that evidence
that a defendant would in the future pose a danger to the
community if he were not executed may be treated as
establishing an "aggravating factor" for purposes of
capital sentencing, Jurek v. Texas, supra; see also
Barefoot v. Estelle, 463 U.S. 880, 103 S.Ct. 3383, 77
L.Ed.2d 1090 (1983). Likewise, evidence that the
defendant would not pose a danger if spared (but
incarcerated) must be considered potentially mitigating.
(FN1) Under Eddings, such evidence may not be excluded
from the sentencer's consideration. 106 S.Ct. at 1670,
1671.

9. IF GIVEN A LIFE SENTENCE, MR. DENNIS IS CAPABLE OF WORKING AS AN INMATE LAW CLERK, AND HELPING OTHER INMATES.

Mr. DENNIS is intelligent, and educated, and can assist other inmates with fewer language and writing skills. While incarcerated in Washington State in the 1980s, Mr. DENNIS worked as an inmate law clerk.

10. ALTHOUGH A BELT WAS USED PART OF THE TIME DURING THE KILLING IN THIS CASE, THE BELT WAS A WEAPON OF OPPORTUNITY, NOT PRIOR PLANNING, AS A GUN COULD HAVE BEEN.

There is evidence that the death itself was caused without the use of the belt, as Mr. DENNIS told police that he started the strangling with the belt, but finished it with his hands. When initially approached by police responding to his report, he was asked if he had any weapons, and emphatically told them he did not.

The use of the belt, during even part of the commission of the offense forms the basis for the enhanced sentence this Court must impose pursuant to NRS 193.165, and its current "functional test." Mr. DENNIS will face a like consecutive sentence for the use of a deadly weapon whether given a life sentence or a death sentence. (Practically speaking, if Mr. DENNIS is sentenced to die, there will be no enhanced sentence, except on paper).

1 Accordingly, because Mr. DENNIS will face a significant
2 penalty for the use of a weapon, with either of the life
3 sentence alternatives available to the Court, it is
4 respectfully submitted this court should not also utilize the
5 weapon as a circumstance to justify a sentence of death,
6 because to do so would unconstitutionally use the same act to
7 punish twice, in violation of the United States and Nevada
8 constitutional prohibitions against double jeopardy.
9 (U.S.Const., Amendments V and XIV; Nevada Constitution, Article
10 1, Section 8).

11
12 11. INCLUDED AMONG THE AGGRAVATING CIRCUMSTANCES ALLEGED
13 BY THE STATE IS SEXUAL PENETRATION AT OR NEAR THE
14 TIME OF DEATH.

15 The evidence suggests the victim in this case had engaged
16 in voluntary sexual conduct with the defendant over a period of
17 several days before her death. She was left alone in the room,
18 and had the opportunity to leave, had she wanted to do so. She
19 had access to a telephone in the room. There is no evidence
20 that the defendant raped the victim, then killed her to keep
21 her from reporting the crime. Nor is there evidence that he
22 killed her in order to rape her.

23 In interviews with police Mr. DENNIS acknowledged he may
24 have had intercourse with the victim at or near the time of her
25 death. His statements are equivocal. During his first
26 interview, which commenced at 5:08 p.m. on March 9, Mr. DENNIS

1 anal intercourse. Mr. DENNIS does not know. However, he
2 expressed dismay at the thought she might have been dead at the
3 time. (FI, page 97, lines 39-43).

4 Absent Mr. DENNIS' cooperation with the authorities in
5 describing what he could recall happening, the State would have
6 insufficient evidence to present this issue to the Court.

7 Dr. Raven, who conducted the autopsy, found no evidence of
8 injury to the perianal skin or distal rectum. Autopsy
9 Protocol, page two, bottom of second paragraph. Dr. Raven also
10 found no evidence of spermatozoa in a rectal washing.

11 The Notice of Intent to seek the Death Penalty, filed by
12 the State on April 14, 1999, advises Mr. DENNIS that the State
13 will prove that Mr. DENNIS subjected the victim to:

14 "nonconsensual sexual penetration, as defined in NRS
15 200.033(13), immediately before, during or after the
16 commission of the murder, to wit, the defendant engaged in
17 anal intercourse with the victim shortly before and/or
18 shortly after he killed her."

19 "Penetration" is defined as any intrusion into the
20 victim's body, anal, vaginal or oral, however slight. But,
21 proof of some intrusion is required.

22 Nevada law requires aggravating circumstances be proven
23 beyond a reasonable doubt:

24 To forestall future uncertainty on the issues considered
25 above, we provide the district courts with the following
26 instruction to be given in the sentencing phases of all
capital cases.

The jury must find the existence of each aggravating
circumstance, if any, unanimously and beyond a reasonable
doubt.

1
2 The jurors need not find mitigating circumstances
3 unanimously. In determining the appropriate sentence,
4 each juror must consider and weigh any mitigating
5 circumstance or circumstances which that juror finds.
6 Geary v. State, 114 Nev. 100, 952 P.2d 431, 433 (Nev. 1998)

7 Proof of corpus delicti cannot be based upon only a
8 defendant's own confessions or admissions. Hooker v. Sheriff,
9 Clark County, 89 Nev. 89, 506 P.2d 1262 (1973). As to the
10 murder in this case, there appears to be circumstantial
11 evidence which would satisfy the corpus delicti rule. However,
12 with regards to the sexual penetration aggravator, which could
13 have formed the basis of a separate charge, there is
14 insufficient corroborating evidence for Mr. DENNIS' equivocal
15 statements, to establish the corpus delicti of sexual
16 penetration anally, as alleged.

17 In Hooker, supra, the Supreme Court ruled that corpus
18 delicti was not established where the defendant spontaneously
19 stated, "I think I shot my wife." His wife was found dead of
20 gunshot wound. A revolver with one spent shell was found near
21 the body. The parties stipulated the cause of death was a
22 gunshot wound. Evidence was not presented showing the bullet
23 in the victim's body was fired by the revolver found. The
24 Court found the record contained insufficient evidence of
25 criminal agency to satisfy the corpus delicti rule.
26

1 Similarly, in this case there is insufficient evidence,
2 absent Mr. DENNIS' statements, which are equivocal, to
3 establish that an anal sexual penetration of Ms. STROUMANIS
4 occurred. The Court should decline to find this aggravating
5 circumstance in this case.
6

7 12. AT THE TIME OF THE OFFENSE, NEVADA LAW PERMITTED THE
8 COURT TO CONSIDER THIRTEEN DIFFERENT CIRCUMSTANCES IN
9 AGGRAVATION OF FIRST-DEGREE MURDER. (A FOURTEENTH
10 FACTOR WAS ADDED BY THE 1999 NEVADA LEGISLATURE. IT
11 WOULD NOT APPLY IN THIS CASE, EVEN IF IT HAD BEEN ON
12 THE BOOKS AT THE TIME OF THE CRIME).

13 In Mr. DENNIS' case, only two of the fourteen categories
14 arguably apply, and as noted above, the sexual penetration
15 aggravator will not be sufficiently proven.
16

17 13. THE STATE ALLEGES THREE PRIOR FELONY CONVICTIONS FOR
18 VIOLENCE. TWO AROSE OUT OF A SINGLE INCIDENT. NONE
19 IS MORE RECENT THAN FIFTEEN YEARS BEFORE MS.
20 STROUMANIS' DEATH.
21

22 Two of Mr. DENNIS' convictions arose out of the same
23 incident, and the sentencing Court ran the sentences for the
24 second-degree arson, and the 1984 conviction for second-degree
25 assault, concurrently with each other, although consecutive to
26 the 1979 second-degree assault conviction. Additionally, this
Court should consider that Mr. DENNIS' most recent felony
convictions are fifteen years old. He was out of custody for
over a decade, without suffering a felony conviction, prior to
the crime to which he has plead guilty in this case.

1 The presentence report appears to have relied upon the
2 NCIC printout regarding the defendant, which inaccurately
3 reports three convictions arising out of the 1984 incident.
4 Mr. DENNIS was convicted of second-degree assault, and second-
5 degree arson. And his earlier second-degree assault probation
6 was revoked. However, the Washington Court records reflect
7 three felony convictions relating to the 1978 and 1983
8 incidents, not four.

10 14. IMPOSITION OF A DEATH SENTENCE AGAINST MR. DENNIS
11 WOULD BE DISPROPORTIONATE AND INAPPROPRIATE.

12 The Nevada Supreme Court is not required to conduct a
13 proportionality review of capital sentences. NRS 177.052(d).
14 However, it is respectfully submitted such an analysis is
15 appropriate in this Court, pursuant to NRS 200.035, which
16 permits this Court to consider any mitigating evidence.
17 Further, such a comparison of the circumstances of the offense,
18 the defendant and similar cases is consistent with the Georgia
19 procedure approved by the United States Supreme Court in Gregg
20 v. Georgia, 428 U.S. 153, 96 S.Ct. 2909, 49 L.Ed.2d 859 (1976):

22 whether the death sentence "is excessive or
23 disproportionate to the penalty imposed in similar cases,
24 considering both the crime and the defendant."

24 In Chambers v. State, 113 Nev. 974, 944 P.2d 805 (Nev.
25 1997), the Nevada Supreme Court reversed the death sentence of
26 Roger Chambers, finding that the alleged torture aggravator had

1 not been proven (while enraged, Chambers stabbed his motel
2 roommate 17 times), where the defendant reacted in anger, while
3 intoxicated. Further, the Court found that while prior felony
4 convictions had been proven, they were too old to fairly
5 justify imposing a sentence of death. (The most recent of Mr.
6 Chambers' convictions at the time of trial was 18 years old).
7

8 However, under our obligation to review the record to
9 determine whether the sentence of death is excessive
10 considering the crime and the defendant, we conclude,
11 after comparing the circumstances of the murder and the
12 defendant in this case with the circumstances in other
13 cases in which this court has affirmed the death penalty,
14 that imposition of the death penalty here is excessive.

15 One factor contributing to our conclusion that the death
16 penalty is excessive is that one of the aggravating
17 circumstances was not supported by the evidence. Also,
18 the other aggravating factor, the prior convictions,
19 referred to crimes that occurred eighteen years before the
20 verdict in question, when Chambers was eighteen years old.
21 This hardly shows a pattern of violence sufficient to
22 justify the death penalty.

23 Mr. DENNIS' has four felony convictions, the most recent
24 of which occurred fifteen years prior to the killing of Ms.
25 STROUMANIS. Like Mr. Chambers and Mr. Haynes, discussed below,
26 Mr. DENNIS' first conviction occurred when he was a young man,
and twenty-nine years prior to the offense in the present case.
Mr. DENNIS' first conviction was for possession of marijuana, a
felony in South Dakota at the time of the offense. He served
two years prison for his conviction. His second conviction was
for assault, in the second degree. He was granted probation.

1 His third and fourth convictions occurred in a single incident.
2 He was convicted of arson and second-degree-assault (the only
3 person injured in the alleged assault was Mr. Dennis), and
4 second-degree arson. As a result of his convictions in the
5 third and fourth crimes, he was sentenced to prison, and his
6 probation was revoked. The 1984 sentences ran consecutively to
7 the 1979 sentence, but concurrently to each other.
8

9 Due to the significant period of time which has elapsed
10 since Mr. DENNIS' felony convictions, it is respectfully
11 submitted, as in Chambers, supra, they do not suffice to prove
12 a pattern of violence sufficient to impose the death penalty.
13

14 The Supreme Court has also expressed reluctance to impose
15 death upon mentally ill defendants with remote prior
16 convictions.
17

18 In Haynes v. State, 103 Nev. 309, 319-320, 739 P.2d 497
19 (Nev. 1987), the Supreme Court reversed the death sentence of
20 Eddie Lee Haynes.

21 The basis on the record for the jury's death verdict was a
22 single aggravating circumstance, namely, a prior violent
23 act in the form of an armed robbery committed fifteen
24 years prior to this crime when Haynes was eighteen years
25 old.

26 Haynes is a homeless wanderer who has been in and out of
mental institutions for the past four or five years. He
has committed a grave and serious offense, but it does not
appear to us that it can be properly and justly maintained
that this man deserves to die for what he did.

1 Under Gregg v. Georgia, 428 U.S. 153, 96 S.Ct. 2909, 49
2 L.Ed.2d 859 (1976), we are required to consider whether
3 the sentence was influenced by passion, prejudice, or any
4 other arbitrary factors; whether the evidence supports the
5 finding of a statutory aggravating circumstance; and,
6 whether the death sentence "is excessive or
7 disproportionate to the penalty imposed in similar cases,
8 considering both the crime and the defendant." [Footnote
9 omitted].

10 The United States Supreme Court has observed "that under
11 contemporary standards of decency death is viewed as an
12 inappropriate punishment for a substantial portion of
13 convicted first-degree murderers." Woodson v. North
14 Carolina, 428 U.S. 280, 296, 96 S.Ct. 2978, 2987, 49
15 L.Ed.2d 944 (1976). It is inappropriate in this case.

16 Similarly, in Mr. DENNIS' case the Court should recognize
17 that Mr. DENNIS was, at the time of the offense, essentially
18 homeless. Like, Mr. Haynes, he had been in and out of mental
19 institutions for years. It is undisputed he had been drinking
20 for several days. Although the lapse of time between the
21 crime, and his reporting of it, prevents a test result to
22 establish intoxication at the time of the offense, the victim
23 was measured at three times the legal limit. This appears to
24 support Mr. DENNIS' report that he and the victim had been
25 drinking heavily. (It should also be noted that several hours
26 elapsed between Chambers' killing of Chacon, and his being
tested for intoxication. Despite that the Supreme Court
accepted that intoxication played a role in the crime).

///

///

1 15. THE COURT SHOULD CONSIDER ANY OTHER MITIGATING
2 CIRCUMSTANCE.

3 The Court may, in reviewing the evidence recognize other
4 factors, which the defense has not identified. Realizing that
5 possibility, the defense requests this Court consider any and
6 all mitigating circumstances relating to Mr. DENNIS in
7 assessing his penalty for this crime.

8 ARGUMENT

9 Pursuant to Nevada law this Court must qualitatively weigh
10 the aggravating circumstances alleged by the State against the
11 mitigating information regarding Mr. DENNIS. It is
12 respectfully submitted, that analysis should result in a
13 sentence of life.

14 Mr. DENNIS is 52 years old. For his conviction, as
15 enhanced, he would face a minimum parole eligibility of 40
16 years. Mr. DENNIS is a long-term alcoholic, who has been
17 diagnosed with Hepatitis C. (The presentence report notes no
18 significant health information. However, Mr. Dennis' physical
19 health is documented in the mental health records which have
20 been provided by the defense). Therefore, there is little
21 practical difference between a sentence of life with parole, or
22 life without. His life expectancy, if healthy, would be
23 between 75 and 80 years old. He is not healthy, and a sentence
24 of life with parole would result in a possible parole
25 eligibility at age 92. No matter which of the sentences Mr.
26

1 DENNIS is given by the Court, he will not be living in this
2 community again.

3 All three of the sentences this Court may consider
4 imposing will result in Mr. DENNIS' death in custody. The
5 issue to be resolved is when that death occurs, and whether or
6 not it will be the result of natural causes.

7 This Court must decide, as a matter of policy and of
8 humanity, whether it should condemn a person to death, who has
9 been trying to kill himself for over three decades. While
10 legally competent, Mr. DENNIS is clearly mentally ill, and has
11 been for some time. Do we, as a society, want to kill the
12 sick, those abused and molested as children, the poor, the
13 disenfranchised, when their efforts at treatment fail?

14 Voting to kill Terry DENNIS may satisfy Mr. DENNIS, but he
15 has been suicidal for years. It may satisfy the State. But,
16 it should not satisfy the Court, or the community. Killing
17 Terry DENNIS will send the wrong message:

18 If you are violated and abused as a child, if you
19 honorably serve your country in an unpopular war, if
20 you succumb to mental illness and addictions and
21 repeatedly try to kill yourself or force others to
22 kill you, if you seek professional help, those things
23 do not concern us.

24 It is respectfully submitted that is not an appropriate message
25 to send to Mr. DENNIS.

26 ///

///

///

1 Based upon the foregoing, and the record of proceedings in
2 this case, it is respectfully submitted Mr. DENNIS should be
3 sentenced to life in prison.

4 DATED this 19th day of July, 1999.

5 MICHAEL R. SPECCHIO
6 Washoe County Public Defender

7 By Maizie W. Pusich
8 MAIZIE W. PUSICH
9 Chief Deputy

10 By [Signature]
11 JOHN R. PETTY
12 Chief Deputy
13
14
15
16
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18
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20
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26

FILE

99 JUL 20 12:11

AM: H. J. BERRY
BY: C. Decker
DEPUTY

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE
BEFORE THE HONORABLE JANET J. BERRY,
HONORABLE MICHAEL CHERRY AND HONORABLE MICHAEL MEMEO

-000-

STATE OF NEVADA,

Plaintiff,

vs.

TERRY JESS DENNIS,

Defendant.

Case No. CR99-0611

Dept. No. 1

=====

TRANSCRIPT OF PROCEEDINGS

PENALTY HEARING

Volume 1
(Pages 1 through 90)

MONDAY, JULY 19, 1999

Reno, Nevada

Reported By:

ERIN T. LUSCHAR, RPR, CCR #281

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^..^

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I N D E X

WITNESSES FOR THE STATE:

PAGE

CAROTHERS, Robin	
Direct Examination by Mr. Greco	8
BENNETT, Robert	
Direct Examination by Mr. Greco	21
Cross-Examination by Ms. Pusich	29
Examination by Judge Cherry	30
BURKE, James	
Direct Examination by Mr. Greco	31

EXHIBITS:

IDENT

EVID

1	Photographs		26
2	Search warrant		22
3	Admonition & Waiver of Rights		
4	911 cassette tape		10
5	Redacted copy of Interview with Defendant (videotape)		
6	1978 Assault - Certified copy of prior conviction		
7	1983 Assault/Arson - Certified copy of prior conviction		
8	Brown belt		
9	Record of Death		
10	NMHI Records - 1995 and prior		
11	NMHI Record - 1996 and later		
12	VA psychiatric records		
13	West Hills records		
14	Police report		
15	Witness Statements		
16	Autopsy photographs		
17	Complete copy of interview with Defendant (videotape)	36	37
18	Transcript of videotaped interview	41	

1 -o0o-

2 RENO, NEVADA, MONDAY, JULY 19, 1999, 9:00 A.M.

3 -o0o-

4
5 JUDGE BERRY: Good morning. The case before the
6 Court is State of Nevada versus Terry Jess Dennis. This
7 is CR99-0611.

8 This is the three-judge panel convened for the
9 penalty phase in the matter before the Court. I'd like to
10 introduce the panel that's been appointed by Chief Justice
11 of the Supreme Court Robert Rose.

12 To my left, your right, is Mike Memeo from the
13 Fourth Judicial District. To my right is Judge Michael
14 Cherry at the Eighth Judicial District, and I'm Judge
15 Janet Berry of the Second Judicial District Court,
16 Department 1.

17 Welcome, ladies and gentlemen.

18 Counsel, did you wish state your names for
19 yourself.

20 MR. GRECO: Dan Greco on behalf of the State of
21 Nevada.

22 MS. PUSICH: Good morning, your Honor. Maizie
23 Pusich, Chief Deputy for homicides for the Public
24 Defender's Office, and John Petty, the Chief Deputy for
25 Appeals in the Public Defender's Office.

ER 0814

155

9:11A 1 MR. PETTY: Good morning.

2 JUDGE BERRY: The record should reflect that a
3 number of electronic devices have been set up in the
4 courtroom at the request of counsel.

5 The record should reflect that the Court met in
6 chambers and conferred with court staff last week and
7 requested the placement of certain equipment in this case
8 for purposes of showing a videotape.

9 On counsel's tables they each have their own
10 separate video monitors for Mr. Dennis to see the tapes
11 and review those with his attorney, and the television
12 monitors are available for the judges for the judges to
13 review as well.

14 Is there any other matters that counsel wishes to
15 the put on the record before we --

16 MR. GRECO: No, your Honor.

17 MS. PUSICH: The State agreed that Mr. Dennis
18 does not need to be shackled during the proceedings and,
19 in fact, the deputies have brought him in with his hands
20 free so he can assist us.

21 JUDGE BERRY: Generally there are no opening
22 statements; however, if the State or the defense would
23 like a brief opening statement, that would be fine.

9:12A24 MR. GRECO: I would, your Honor. And it is going
25 to be very brief.

1 Good morning.

2 In terms of where we're going, I'm going to start
3 off by briefly covering the facts for the instant offense
4 to give the Court for the murder that this is individual
5 has pled guilty to, then we will move into the evidence of
6 the aggravators.

7 We'll start with the 911 dispatcher that receives
8 the call from Mr. Dennis on March 9 that starts this whole
9 thing off, and in that 911 call he admits that he killed a
10 woman whose body is still remaining in his room.

11 That will be followed up by Detective Burke, who
12 will testify about the detailed videotape interview that
13 you will see here in court. In that interview, the
14 defendant makes a detailed -- extremely detailed
15 confession to the murder that he's pled guilty to. He
16 also in the video addresses the -- one of the four
17 aggravators that we alleged, which is the aggravators
18 which pertain to non-consensual sexual penetration just
19 before, after or during the commission of the murder.

20 From there we will move on, have the pathologist
21 testify about the cause of death and some testimony as to
22 the same aggravators that I mentioned.

23 From there we will move on to the other three
24 aggravators of the State's Notice of Intent, three prior
25 felony convictions involving the use of or the threat of

157

1 use of violence upon the person of another.

2 We will introduce the certified documents
3 evidencing those convictions, and also we have the
4 witnesses from Washington who were the victims on those
5 cases, and they will testify to give the Court a flavor as
6 to the facts of those prior convictions and also to give
7 the Court a little bit of a flavor for Mr. Dennis'
8 character pursuant to NRS 175.552.

9 There will be quite a bit of additional evidence
10 and I'll leave that for the Court's consideration as it
11 comes in.

9:14A12 MS. PUSICH: We have no opening statement to
13 make, your Honor.

14 JUDGE BERRY: Thank you very much.

15 Before we commence, the record should further
16 reflect that counsel previously met with this Court in
17 chambers, and based upon the stipulation of counsel, the
18 Court provided copies of the Notice of Intent, the canvass
19 and the aggravators prepared by the State of Nevada to
20 both Judge Memeo and Judge Cherry for their review prior
21 to today's proceedings.

22 Additionally, on Friday of last week, the Court
23 received the Presentence Investigation Report from the
24 Division of Parole and Probation. Likewise, that report
25 was copied and provided to Judge Memeo and Judge Cherry

1 for their review in preparation of today's proceedings.

2 Did counsel receive the Presentence Investigation
3 Report as well?

4 MR. GRECO: Yes, your Honor.

5 MS. PUSICH: Yes, your Honor.

6 JUDGE BERRY: Ms. Pusich, have you had an
7 opportunity to review that report with Mr. Dennis?

9:15A 8 MS. PUSICH: Yes, your Honor.

9 JUDGE BERRY: Again, you'll certainly have the
10 full opportunity to review the report and make any
11 corrections or modifications as we progress.

12 MS. PUSICH: Thank you, your Honor.

13 JUDGE BERRY: Mr. Greco, you may proceed.

14 MR. GRECO: Thank you, your Honor.

15 The State would call Ms. Carothers.

16 (Witness sworn.)

17

18 ROBIN CAROTHERS

19

20 called as a witness on behalf of the State,
21 having been first duly sworn, was examined and
testified as follows:

9:16A22

23 +++ DIRECT EXAMINATION +++

24 BY MR. GRECO:

25 Q Good morning. Would you please state your name

1 and spell your last name?

2 A Robin Carothers, C-A-R-O-T-H-E-R-S.

3 Q Ms. Carothers, what do you do for a living?

4 A I work for the City of Reno Police Department as
5 a public safety dispatcher.

6 Q Were you employed as a dispatcher back in March
7 of this year?

8 A Yes.

9 Q Were you on duty on the afternoon on March 9th of
10 this year?

11 A Yes.

12 Q And did you receive any calls that afternoon that
13 stand out in your memory?

14 A Yes.

15 Q Did the caller ever identify him or herself?

16 A I do not believe so.

17 Q What was the general nature of the call?

18 A In answering the call, the gentleman said that he
19 wanted to report a dead body and I wanted to know where he
20 was and what the circumstances of that were.

21 MR. GRECO: Your Honor, the parties have reached
22 a stipulation that Exhibit 4, which is the -- a copy of
23 the tape of that 911 call, is admissible into evidence.

9:17A24 MS. PUSICH: That's correct, your Honor.

25 MR. GRECO: May I play that for the Court?

160

1 JUDGE BERRY: You previously had that marked?

2 MR. GRECO: Yes, your Honor; State's Exhibit 4.

3 JUDGE BERRY: That will be marked and admitted,
4 and you may go ahead and play that.

5 (State's Exhibit 4 was admitted.)

6 JUDGE BERRY: Counsel, did you want the tape
7 reported?

8 MS. PUSICH: Your Honor, I think under the new
9 rule, it has to be.

10 JUDGE BERRY: That's correct, Ms. Pusich.
11 Please.

12 THE REPORTER: Do you want me to stop if I don't
13 understand something?

14 JUDGE BERRY: I've instructed the court reporter
15 to alert us immediately if she does not understand the
16 tape.

17 MR. GRECO: That's as far as I can pull the tape
18 out. She can let us know if she has a problem hearing. I
19 can't move it any further out. I think the volume is
20 fine.

21 JUDGE BERRY: Did you wish to move down?

9:19A22

* * * *

23

24

25

ER 0820

161

(The following portion of this transcript is the audible portions of an audio tape, marked and admitted as State's Exhibit 4, played and reported in open court:)

CALLER: I have the dead person in my room.

DISPATCH: Does it appear to be natural?

CALLER: No.

DISPATCH: Okay.

CALLER: I need to talk to a homicide detective.

DISPATCH: Okay. Where are you? What's your address?

CALLER: Well, can you, like, put me in touch with somebody?

DISPATCH:: Yeah, I will, sir, but I need to get somebody out there to talk with you. I need to get an address so we know where to meet you.

CALLER: Okay.

DISPATCH: At least what's your name?

CALLER: Huh?

DISPATCH: At least what's your name?

CALLER: Well, okay. I'm at the Horseshoe Motel.

DISPATCH: Uh-huh.

CALLER: Room number S-3. I'm on the third floor.

DISPATCH: Do you know who this person is?

1 CALLER: Yeah -- Well, I don't even know her
2 name.

3 DISPATCH: Okay. You did you just show up there
4 and she was already dead or what?

5 CALLER: No. I killed her a couple days ago.

6 DISPATCH: You killed her a couple days ago?

9:20A 7 CALLER: Yeah.

8 DISPATCH: Okay. What's your name?

9 CALLER: I'm not going to tell you that.

10 DISPATCH: Well you --

11 CALLER: Just send a detective up here, will you,
12 please.

13 DISPATCH: Are you going to wait there for
14 somebody?

15 CALLER: Yeah, but I don't want to a whole
16 fucking squad of people.

17 DISPATCH: No.

18 CALLER: I want one person.

19 DISPATCH: Well, you're going to get people over
20 there.

21 CALLER: Pardon me?

22 DISPATCH: You're going to get people over there.

23 CALLER: Well, I want one female and one male
24 detective. Everybody else can stay the fuck away.

25 DISPATCH: Okay.

ER 0822

163

1 CALLER: Okay? Because -- well, let's just put
2 it this way: Just give me two plainclothes people up
3 here and the rest of them can just wait outside.
4 Okay?

5 DISPATCH: Okay. Can you at least give me your
6 name? I'll tell you my name. At lease we can talk
7 together.

8 CALLER: I don't care what your what name is,
9 darlin'. I told you where I am and I told you what's
10 going on. All right?

11 DISPATCH: All right. Well, we're going to get
12 somebody out there. You bet.

13 CALLER: (Inaudible) -- going on. Okay.

14 DISPATCH: Are you going to wait until we can
15 get somebody out there? Okay.

16 CALLEE: Well --

17 DISPATCH: Are you going to be in the room or at
18 the pay phone?

19 CALLER: I'm right here in the room watching TV.

20 DISPATCH: Okay. You're going to wait there at
21 the pay phone for me?

9:21A22 CALLER: I'm not at a pay phone. I'm in the
23 room.

24 DISPATCH: You're in the room?

25 CALLER: Yeah.

ER 0823

104

1 DISPATCH: Okay. But you're not going to tell me
2 your name?

3 CALLER: Why should I?

4 DISPATCH: Well, because if you are going to
5 leave before I get somebody out there --

6 CALLER: I'm not going to leave. I'll be right
7 here.

8 DISPATCH: Do you have any weapons in your room
9 now?

10 CALLER: Why should I tell you that?

11 DISPATCH: Come on. I'm just trying to get
12 people out there. If you've got a dead person, you
13 say you killed her, of course I'm going to have some
14 questions.

15 CALLER: I killed her with my hands, nothing
16 else. All right?

17 DISPATCH: Okay. I can understand that, but I've
18 got get somebody out there.

19 CALLER: All I want -- all I want -- all I
20 want -- all I want --

21 DISPATCH: What you do you want?

22 CALLER: -- is two plainclothes people, one
23 female and one male, to come up here and check this
24 shit out. I don't need a whole fucking battalion.
25 All right?

26 DISPATCH: All right. We're going to get people

1 out there. Okay?

2 CALLER: I don't need a whole fucking battalion,
3 though. Okay?

4 DISPATCH: You don't have any control of how many
5 people go out there. Okay? But I'm going to put in
6 the request that you want --

7 CALLER: Whatever.

8 DISPATCH: All right.

9 CALLER: Yeah.

10 DISPATCH: I just need to make sure that my scene
11 is safe for the people coming in.

12 CALLER: Darlin', I'm just turning myself in.
13 Okay? I'm not going to hurt anybody.

14 DISPATCH: Okay.

15 CALLER: I'm already done with that. Okay?

16 DISPATCH: All right. I still have to have the
17 medics come out there because they have to make
18 sure --

9:22A19 CALLER: Well, sure.

20 DISPATCH: -- that the subject is deceased.

21 CALLER: Jesus Christ. Send a coroner, too. The
22 bitch has been dead for three or four days. Jesus,
23 you know. So send the whole whatever. I don't give a
24 fuck.

25 DISPATCH: All right. We have the people coming
26 out there. The first units should be marked and there

166

1 with you in a few minutes.

2 CALLER: Whatever.

3 DISPATCH: All right. What's your phone number
4 there?

5 CALLER: (No response.)

6 DISPATCH: Ah, shit.

7 * * * *

8
9 MR. GRECO: That's all the questions I have of
10 this witness.

11 JUDGE BERRY: Cross-examine?

12 MS. PUSICH: Thank you, your Honor. We have no
13 questions.

14 JUDGE BERRY: May we thank and excuse this
15 witness?

16 MR. GRECO: Yes, your Honor.

17 MS. PUSICH: Yes, your Honor.

18 JUDGE BERRY: You may stand down.

19 MR. GRECO: Detective Robert Bennett is next.

9:23A20 May we approach for one moment, your Honor?

21 JUDGE BERRY: You may.

22 (Discussion at side bar off the record.)

23 JUDGE BERRY: This Court will stand in recess for
24 approximately five minutes.

25 (Recess.)

ER 0826

167

9:39A 1 JUDGE BERRY: Before we call the next witness,
2 the record should reflect that Mr. Greco requested a
3 side-bar conference, and under the rule, of course,
4 everything should be on the record.

5 Ms. Clerk, did you get everything on the record
6 that was said on the side bar?

7 THE REPORTER: No.

8 JUDGE BERRY: Then the record should reflect that
9 Mr. Greco approached, along with Ms. Pusich and Mr. Petty,
10 and indicated that the two detectives who had been
11 subpoenaed had been delayed, they are on their way to
12 the court, and Mr. Greco asked for a brief recess to
13 secure the next witness' appearance.

14 And, in the future, if a side bar is requested,
15 we'll either need the court reporter over, and we'll make
16 every effort not to have any future side bars.

17 MR. GRECO: I apologize for that. I think I was
18 on auto pilot.

19 JUDGE BERRY: Understood, as was the Court. My
20 able colleagues, they whipped me into shape and they are
21 going to keep me on track so that we make sure that we
22 follow 250 to the letter. Everything will be on the
23 record.

24 And, for our court reporter, all tapes, any
25 comments, and if we stray, our court reporter likewise

1 feel free to remind the Court.

2 Please proceed.

9:40A 3 MR. GRECO: Detective Bob Bennett.

4 (Witness sworn.)

5 JUDGE BERRY: Mr. Greco, I apologize for
6 interrupting one more time.

7 Before we commence with this witness, if you and
8 Ms. Pusich and Mr. Petty would please put on the record
9 your qualifications pursuant to 250 as well.

10 MR. GRECO: Yes, your Honor. I don't know if the
11 rule specifically applies to prosecutors in terms of the
12 training but my training is as follows:

13 I've prosecuted about 30 murder cases. I've
14 tried 11 murder cases to conclusion. I have tried one
15 previous capital matter through conclusion, including
16 through verdict and penalty, and everything in front of a
17 jury.

18 JUDGE BERRY: Have you attended the Nevada
19 Capital Case Workshop?

20 MR. GRECO: I have attended a similar program in
21 California, your Honor.

9:41A22 JUDGE BERRY: Thank you.

23 Ms. Pusich?

24 MS. PUSICH: Thank you, your Honor.

25 I was licensed to practice in the State of Nevada

1 in 1986, the State of California in 1988, the State of
2 Washington in 1994. I'm active only in Nevada.

3 I supervise homicides for the Washoe County
4 Public Defender's Office. I have tried two death penalty
5 cases to conclusion which resulted in a sentence of death.
6 Both of those have been changed in subsequent litigation.

7 I'm currently involved in three other capital
8 cases other than Mr. Dennis'. Last year I tried five
9 murder cases to conclusion. I completed the Capital Case
10 Workshop in January, and the Monterey Seminar for Public
11 Defenders and Attorneys for Criminal Justice in February
12 of 1999.

13 JUDGE BERRY: Thank you.

14 MR. PETTY: Good morning. I'm John Petty with
15 the Washoe County Public Defender. For the past five-and-
16 a-half years, I have headed the Appellate Department of
17 that department and in the course of my duties there I
18 have written over five, six death penalty appeals; one
19 successfully getting the death penalty reversed, that was
20 in Chambers versus State.

21 I have attended the Capital Workshop at the
22 Judicial College last December when it was first offered,
23 and spoke there again in the first part of June when it
24 was offered the second time.

25 My trial experience goes back sometime. I was

1 licensed to practice law in 1980; California in 1979.

2 Between 1985 and 1997, I was a trial deputy in the Washoe
3 County Public Defender's Office and did try several felony
4 cases to verdict.

5 The only murder case that I can think of I did
6 not actually try it, I sat as second chair to a defendant
7 who wished to represent himself, but my experience
8 primarily now with the death penalty is in the appellate
9 process.

9:43A10 JUDGE BERRY: The record should further reflect
11 that the judges that serve on this panel have attended and
12 completed the Nevada Capital Case Workshop, and the
13 provisions and the public policy behind Rule 250 is that
14 all the participants in any death penalty proceedings be
15 as well educated as humanly possible as to the law and
16 rules associated with this very serious type of matter.

17 For those reasons, I had requested counsel put
18 their experience on the record. Clearly they are highly
19 qualified to proceed in this matter and, Mr. Greco, you
20 may proceed with the witness.

21 MR. GRECO: Thank you, your Honor.

22 / / / /

23 / / / /

24 / / / /

25 / / / /

ER 0830

171

ROBERT BENNETT

called as a witness on behalf of the State,
having been first duly sworn, was examined and
testified as follows:

+++ DIRECT EXAMINATION +++

BY MR. GRECO:

Q Would you please state your name and spell your
last name?

A Robert Bennett, B-E-N-N-E-T-T.

Q Who are you employed by?

A The Reno Police Department.

Q In what specific capacity?

A I'm a detective in the Robbery Homicide Division.

Q How long have you been employed by the police
department?

A Twelve years.

Q How long have you been a detective?

A Three years.

Q Now, were you one of the case detectives in the
matter of the State of Nevada versus Terry Jess Dennis?

A Yes, I was.

Q Referring your attention specifically to Monday,
March 9th of this year, did you obtain a search warrant

1 in conjunction with that case?

2 A Yes, I did.

3 Q Can you recall from what judge you obtained the
4 search warrant?

5 A I believe it was Judge Salcedo.

6 Q For what residence was the search warrant?

7 A It was for the Horseshoe Motel, I believe the
8 room number was S-9.

9 Q Can you recall about what time you made entry to
10 the room pursuant to the search warrant?

11 A It was approximately 7:15, 7:30 at night.

12 MR. GRECO: Your Honor, the search warrant has
13 been marked as State's Exhibit 2 and the parties have
14 stipulated that it is admissible into evidence.

15 MS. PUSICH: That is correct.

16 JUDGE BERRY: It will be admitted.

17 (State's Exhibit 2 was admitted.)

9:45A18 MR. GRECO: May I approach, your Honor?

19 JUDGE BERRY: You may.

20 BY MR. GRECO:

21 Q I'm going to briefly show you Exhibit 2. Do you
22 recognize that Xerox?

23 A Yes, I do.

24 Q Is that a Xerox of a search warrant that
25 authorized you to make the entry in this case?

1 A Yes, it is.

2 Q Now, please describe -- What was the exact motel
3 room number, Detective Bennett? Is that listed on the
4 search warrant?

5 A Yes, it is. It's S-3.

6 Q Does that refresh your recollection as to the
7 actual room number?

8 A Yes, it did.

9 Q Please describe for the Court what you saw once
10 you entered that room.

11 A When I entered the room, I saw a typical motel
12 room that had two beds, a dresser, a TV, a table or a
13 stand.

14 There was quite a bit of debris, bottles, empty
15 food containers. There was a bed that looked like it had
16 been slept in, the sheets were back; and the other bed had
17 a blanket covering a lumpy form that turned out to be the
18 deceased.

9:46A19 Q We'll get to the photos in a moment.

20 When you lifted up that bedspread on the second
21 bed, describe the position of the deceased.

22 A It was a white female laying on her stomach. Her
23 head was oriented towards the east, southeast. The right
24 side of her face was up. Her legs were spread about 90
25 degrees to each over. There was a pillow under her pelvis

174

1 which protruded the buttocks up into the air.

2 Q Was she entire -- Was the body entirely naked?

3 A It was covered by a blanket but the body itself
4 was completely unclothed.

5 Q Did you notice any hairs or apparent blood on the
6 body of the deceased?

7 A Yes, I did.

8 Q Describe that and its location.

9 A Well, starting at the head, there was some purge
10 coming from the nose and mouth. The rest of the body was
11 unremarkable until you got to the buttock area. There was
12 some dried, what looked like blood to me, it was that
13 color.

9:47A14 Q Where?

15 A On the buttock near the anus. And there was some
16 black hairs that were not -- that were not part of her
17 body that were just laying on the buttock near the anus,
18 and there was some visible moisture deeper inside the
19 anus.

20 Q Did you locate any identification in the room for
21 a female?

22 A Yes, I did.

23 Q What was the name on the identification?

24 A I would have trouble saying it. It's Straumanis.

25 Q Do you recall the first name?

1 A Ilona.

2 Q Do you know the spelling of that as you sit here
3 now?

4 A Absolutely not.

5 Q Would that be reflected in your report?

6 A Yes.

7 Q If I showed you a copy of your report, would that
8 refresh your recollection?

9 A It would, but I'd still have to read it off the
10 report to get it right.

11 MS. PUSICH: Your Honor, we're willing to
12 stipulate that the victim is Ilona Straumanis. I believe
13 the --

14 MR. GRECO: That name is reflected in the
15 Information, your Honor.

16 I-L-O-N-A, S-T -- S-T-R-A-U-M-A-N-I-S.

9:49A17 MR. GRECO: Thank you, Counsel.

18 BY MR. GRECO:

19 Q And so you found identification in the name of
20 Ilona Straumanis?

21 A Correct.

22 Q Did you compare the physical descriptors on the
23 identification card to the body?

24 A Yes, I did.

25 Q Did they appear to match?

1 A They sure did.

2 Q Did you notice any signs of forced entry to the
3 room?

4 A I did not, and I checked specifically for that.

5 Q Did you notice any receipts in the name of any
6 other persons in the room?

7 A I noted, among other things, a room receipt for
8 the Horseshoe Motel in the name of Terry Dennis.

9:50A 9 Q Detective Burke -- Detective Bennett, did you
10 notice a belt?

11 A Any what?

12 Q Any belts.

13 A Yes, I did.

14 Q Describe the belt and where was it located.

15 A I found a man's belt. It was brown leather. It
16 was on the floor in between the far east bed and the east
17 wall.

18 MR. GRECO: Your Honor, Exhibits 1.1, 1.2, 1.3
19 and 1.4 have been marked for identification. They are
20 photos of the room and counsel have stipulated that these
21 are admissible into evidence.

22 MS. PUSICH: That's correct, your Honor.

23 JUDGE BERRY: Those will be admitted.

24 (State's Exhibits 1.1, 1.2, 1.3 and 1.4
25 were admitted.)

ER 0836

1 BY MR. GRECO:

2 Q Detective Bennett, I'd like to go through them
3 one at a time. Since the Court is near, just stand up,
4 describe what's depicted in each photograph in the order
5 the photographs have been handed to you.

6 A This is the room that we went into, and this
7 would be a view as you walk in the hallway.

8 JUDGE BERRY: Sir, what number is on that exhibit
9 you're talking about?

9:51A10 THE WITNESS: I'm sorry. This Exhibit 1.1.

11 JUDGE BERRY: Thank you.

12 THE WITNESS: It depicts the room as you walk in
13 with the bed to the right. There are two beds, one that
14 does not have a bed sheet, one that has the bedspread
15 covering a form.

16 You can see the far east wall, this is the east
17 wall, this is the window. The only other access to the
18 room is this window and the door I'm standing at when the
19 picture was taken.

20 This is the heating unit. This is the south wall
21 that the head of the beds are on. On the left of that,
22 you can't see, is the north wall that has the TV and a bed
23 stand or nightstand, or whatever the TV is sitting on.

24 There's a table over here with the used alcohol
25 containers and cups and glasses on it. There's clothing

1 on this chair that turned out to be woman's clothing, and
2 there was some men's clothing underneath it.

3 You cannot see from this picture, but in
4 between -- there's -- in between this bed and the wall, 14
5 inches, that's where the belt was lying on the floor.

9:52A 6 The next one is Exhibit No. 1.2. This picture is
7 taken facing south looking at the bed that the body was
8 laying on with the blanket still intact, and it just shows
9 more scale of the distance in between the wall and the two
10 beds.

11 The bedspread is such a color you can barely tell
12 there's a form there unless you look close, but there is a
13 form under the covers and that is of the victim.

14 Exhibit 1.3 is the bedspread removed but nothing
15 else disturbed. We carefully took the bedspread off. We
16 bagged the hand of the victim that we reached. This is
17 how the victim was laying under the bedspread with the
18 pillows as I described under her pelvis area and the legs
19 spread at the 90-degree angle.

20 There's nothing else remarkable in this except
21 that you can see that the right foot and the right hand
22 overhang the bed.

9:53A23 This is Exhibit No. 1.4 with the bedspread still
24 in place. You'll see the space in between the bed that
25 the victim is on and the wall, you'll see a man's belt

1 laying on the ground next just right under her hand where
2 her hand would have been. This is a heating unit that was
3 on in the room when we first came in.

4 MR. GRECO: Thank you, Detective Bennett.

5 I have no further questions.

6 JUDGE CHERRY: Could I see the pictures, please.

7 JUDGE BERRY: Ms. Pusich?

8 MS. PUSICH: Thank you, your Honor.

9

10 +++ CROSS-EXAMINATION +++

11 BY MS. PUSICH:

12 Q Detective Bennett, did you also prepare a return
13 on the search warrant?

14 A I did.

15 Q And listed the items collected?

16 A I did.

17 Q One men's brown belt, correct?

18 A Yes, I put that on there.

19 Q Did you have any contact with the defendant?

20 A Ever?

21 Q Right.

22 A I don't believe I ever did.

9:54A23 MS. PUSICH: Thank you. I have nothing further,
24 your Honor.

25 JUDGE BERRY: Anything else from the State?

1 MR. GRECO: Nothing further, your Honor.

2 JUDGE BERRY: Judge Cherry has questions.

3

4 +++ EXAMINATION +++

5 BY JUDGE CHERRY:

6 Q Detective, tell me the about the alcohol
7 containers that you found in the room?

8 A There were numerous empty containers that were
9 vodka containers and beer containers. The exact brand I
10 would probably have to refer to my report, but as I
11 recall, there were probably two one-liter bottles of vodka
12 and several empty beer containers, and there was also some
13 mixers like an orange juice kind of stuff that were half
14 full.

15 JUDGE BERRY: Any questions, Judge Memeo?

16 Any questions from either the State or the
17 defense based Judge Cherry's questions?

18 MR. GRECO: No, your Honor.

19 MS. PUSICH: No, your Honor.

20 JUDGE BERRY: You may stand -- May we thank and
21 excuse this witness?

22 MR. GRECO: Yes, your Honor.

23 MS. PUSICH: Yes, your Honor.

24 JUDGE BERRY: You may stand down.

25 MR. GRECO: Detective Jim Burke is next.

9:55A 1

(Witness sworn.)

2

3

JAMES BURKE

4

5

called as a witness on behalf of the State,
having been first duly sworn, was examined and
testified as follows:

6

7

8

+++ DIRECT EXAMINATION +++

9

BY MR. GRECO:

10

Q Good morning.

11

A Good morning.

12

Q Would you state your full name and spell your

13

last name?

14

A James Harold Burke, B-U-R-K-E.

15

Q Who are you employed by?

16

A Reno Police Department.

17

Q In what capacity?

18

A I'm a detective in the Robbery Homicide section.

19

Q How long have you been a police officer?

20

A Eleven years.

21

Q How long have you been a detective?

22

A Six.

23

Q During what portion of that six years have been

24

assigned to Robbery Homicide?

25

A About five and a half.

ER 0841

182

1 Q Now, who is the primary case agent or case
2 detective in the matter of the State of Nevada versus
3 Terry Jess Dennis?

9:56A 4 A I am.

5 Q Describe to the Court how you first became
6 involved in that case.

7 A I was in my unmarked vehicle driving in the Reno
8 area when I overheard a call being broadcast to patrol
9 units on March 9th at about 4:10 p.m. of the call to the
10 Horseshoe Motel.

11 Q Did that call cause you to respond somewhere?

12 A Yes, it did.

13 Q Where did you go?

14 A The Horseshoe Motel located at 450 Lake Street.

15 Q Can you recall at about roughly what time you
16 arrived there at the Horseshoe?

17 A Approximately 4:15.

18 Q What's the nearest intersection to Lake Street
19 that the motel is located?

20 A It would be Fifth.

21 Q And once you arrived, did you have contact with
22 the suspect?

23 A Yes, I did.

24 Q What was the suspect's name?

25 A Terry Dennis.

ER 0842

1 Q Do you see Mr. Dennis here in the courtroom?

2 A Yes, he is. He's wearing the green coveralls
3 with the sun glasses.

4 Q Did you ask the defendant if he would be willing
5 to sit down to do an interview with you?

9:58A 6 A Yes, I did.

7 Q Did he agree to that?

8 A Yes, he did.

9 Q Did you actually transport the defendant Terry
10 Dennis to the police department for the interview?

11 A No, I did not.

12 Q Before he was transported, did you or anyone in
13 your presence ask the defendant if he had any weapons?

14 A Yes. I asked him if he had any weapons with him
15 and he replied no, that he didn't have any weapons; that
16 he didn't use any fucking weapons to kill her; that he had
17 used his hands to kill her.

18 Q That statement again occurred at the scene?

19 A Yes, it did.

20 Q Now, can you recall at about what time your
21 formal interview at the police department started?

22 A I believe it started at 1708, which was 5:08 p.m.

23 Q Was the defendant under arrest at this point?

24 A No, he was not.

25 Q Was he handcuffed during your interview of him?

184

1 A No, he was not.

2 Q Prior to the commencement of the substantive
3 portion of the interview, did you provide the defendant
4 with his Constitutional rights?

9:59A 5 A Yes, I did.

6 Q Detective Burke, was the entire interview
7 videotaped?

8 A Yes, it was.

9 Q And did you have a chance to review the videotape
10 after it was completed?

11 A Yes, I did.

12 Q Was it an accurate copy or reproduction of what
13 actually occurred?

14 A Yes.

15 MR. GRECO: I'm going to move for the admission
16 of that tape, which has been marked as Exhibit 5. This is
17 a redacted tape and I have redacted out the portions prior
18 to the giving of the Miranda warnings where there's simply
19 chitchat, and I've redacted out the last third of the
20 interview where the interview becomes extremely repetitive
21 simply to save time.

22 However, in the discovery process the defense has
23 been provided with a copy of the original, complete tape
24 and they have that, and they'll be free to play that if
25 they so desire during the defense case. So it is a

185

1 redacted tape but at this point I'll move for the
2 admission of State's Exhibit 5.

10:00A3 MS. PUSICH: Your Honor, we have concerns with
4 the redaction. We are not objecting to the State making
5 the proceedings go more expeditiously but part of what is
6 redacted ties into my client's mental health history.
7 Part of what is removed is the defendant being left alone
8 in the room and speaking to himself at length.

9 MR. GRECO: That's fine, we can mark or introduce
10 whatever exhibit they wish, but I'll simply go ahead and
11 mark the complete original now and I'll play the portion I
12 wish to play, and they can play the portion they wish to,
13 if that's more agreeable.

14 MS. PUSICH: That would be.

15 JUDGE BERRY: The Court is concerned, and I'd
16 like to cover with my colleagues that we may be getting
17 this presentation in a disjointed fashion.

18 Is there any fashion --

19 JUDGE CHERRY: I think if we watch the unredacted
20 it would make it easier so it's not taken out of content.

10:01A1 JUDGE MEMEO: That would fine with me.

22 MR. GRECO: Your Honor, I'd withdraw State's
23 Exhibit 5 and I will -- which is the redacted tape, and
24 I'm going to have the new full tape marked.

25 JUDGE BERRY: Can you give the Court an

186

1 estimation of the length of the full tape?

2 MR. GRECO: The total run time is about an hour
3 40 minutes. There are a number of segments -- well, the
4 total running time is an hour and 40 minutes.

5 JUDGE BERRY: We'll take about a half hour of the
6 tape, take a 15-minute recess and then we will reconvene
7 until the tape is concluded prior to noontime.

8 THE CLERK: Exhibit 17.

9 (State's Exhibit 17 was marked.)

10 MS. PUSICH: Your Honor, also for the record, we
11 have previously conferred with the court reporter and she
12 will be provided with transcripts of the things that we're
13 asking her to transcribe to help her in that.

10:02A4 JUDGE BERRY: Thank you very much.

15 And also, Deputy, can you tell me if the monitor
16 can conjoin on with this so Judge Memeo --

17 THE BAILIFF: No.

18 JUDGE BERRY: We'll need you to bring the
19 television out.

20 MR. GRECO: The new tape has been marked as
21 State's Exhibit 17, and I believe we have a stipulation
22 that this tape, which is the complete tape of the entire
23 interview, is admissible into evidence.

24 MS. PUSICH: That's correct.

25 JUDGE BERRY: It will be admitted then.

(State's Exhibit 17 was admitted.)

MR. GRECO: Is that a good location for the Court.

JUDGE BERRY: Yes. Thank you.

10:04A5 MR. GRECO: Your Honor, I should indicate for the record, the court reporter asked me a moment ago to rewind the first few seconds because she had trouble hearing, and I would indicate that the first 30 seconds or so the sound is garbled, the picture is going to be garbled, although it clears up rather quickly. They are apparently talking about some type of baseball game.

JUDGE BERRY: The court reporter should just do the best she can under the quality and circumstances of the tape, and Ms. Pusich indicated there's a stipulation that the written transcript will be provided to the court reporter as well.

MS. PUSICH: That is correct, your Honor.

JUDGE BERRY: Are you seeking to make that part of the record; that we will attach that written transcript of the tape in addition to the court reporter's?

MS. PUSICH: Judge, I think that would be appropriate. Just in the few seconds we've heard, I believe the police transcriber, she had her -- she's gotten a few words that I couldn't hear.

10:05A5 MR. GRECO: That's fine. If counsel is willing

1 stipulate that the transcript be made part of the record,
2 I believe the transcript should read at the top that it's
3 certainly not a certified transcript. The transcriber,
4 it's a very good transcript but is in no way, shape or
5 form certified to be 100 percent accurate each and every
6 word; if counsel wishes to stipulate to it.

7 MS. PUSICH: I do. It is titled just the way Mr.
8 Greco reported. It is not certified, we all understand,
9 but it's easier to get through than the court reporter is
10 going to find this morning.

11 JUDGE BERRY: What we'll do is we will have that
12 marked and admitted in the record. For appellate
13 purposes, they will at least have the tape, the transcript
14 from the police department, as well as the court
15 reporter's notes, and of those three pieces of evidence,
16 certainly a thorough, complete review could be conducted,
17 and for those reasons we'll go ahead I'd request counsel
18 to provide a copy of that to the clerk for marking and
19 admission.

10:06A0 MR. GRECO: Yes, your Honor. Can I do that on
21 the break?

22 JUDGE BERRY: Certainly.

23 * * * * *

24 / / / /

25 / / / /

ER 0848

189

1 (The following portion of this transcript is the
2 audible portions of the videotaped interview,
3 marked and admitted as State's Exhibit 17, played
4 and reported in open court:)

5 MR. DENNIS: -- (inaudible) the football game
6 going was the goddamn (inaudible) and in '76 they came
7 in with (inaudible) and the (inaudible) and the same
8 season (inaudible) two major league teams, and the
9 (inaudible), they were the (inaudible) champs and the
10 A's and Mariners did really, what, back in, what '95,
11 '96, whatever the fuck (inaudible). But they did
12 (inaudible) after that, but it was -- it was very
13 good, very good, but what your superstars and stuff,
14 they're not going to favor the idea (inaudible). And
15 in Seattle, it's just legendary that the owners of the
16 major league teams is going to pay (inaudible) for
17 (inaudible). So all the good guys, all the good
18 players, they always leave, you know. Then they get
19 guys like Frank O'Hare who is a fucking has-been,
20 (inaudible). That was fucking '85, '86. But just
21 notorious for it, but Nordstrom's, who own the fucking
22 team (inaudible) paying (inaudible).

23 But I'm rambling (inaudible). I'll give all that
24 (inaudible) this is guy coming back (inaudible) --

25 THE OFFICER: (Inaudible).

MR. DENNIS: -- (inaudible) can't I have a

1 fucking Coke or anything (inaudible) nuts, man
2 (inaudible).

3 THE OFFICER: Yeah

4 MR. DENNIS: -- (inaudible) actually it is
5 (inaudible).

10:09A6 THE OFFICER: Yeah.

7 MR. DENNIS: (Inaudible).

10:12A8 DETECTIVE BURKE: Hey, Terry. Here's your Coke.

9 MR. DENNIS: Thanks, man. I'm glad you changed
10 your mind about that.

11 DETECTIVE BURKE: (Inaudible) I just had a couple
12 of other things to do just real quick.

10:13A3 MR. DENNIS: Whatever.

14 (Inaudible.)

15 Fucking (inaudible).

16 (Inaudible.)

17 * * * *

18
19 JUDGE BERRY: Mr. Greco, can you stop the tape,
20 please?

21 (Videotape stopped.)

22 JUDGE BERRY: I think all three of the judges are
23 having a lot of problems catching all the words.

24 I would note that Ms. Pusich is following along
25 with the transcript. I think it would be of great

1 assistance to all of us if we had the transcript that we
2 could follow the tape with.

10:14A3 MR. GRECO: Yes, your Honor. The transcript is
4 quite lengthy, so it will take me a little bit of time to
5 make three copies of that. I would guess I would need 20
6 minutes to do that. I would be happy to do that.

7 I would alert you as to the sound quality --
8 again, this is not a portion I originally intended to play
9 to the Court -- the quality once the interview commences
10 is better.

11 I can do that but it will take a little bit of
12 time, but it is long.

13 JUDGE BERRY: It's 10:15. We'll take a 20-minute
14 recess. If you could get your staff to get the
15 transcript, I think throughout the tape there will be bits
16 and pieces, and it will be easier for us to track with the
17 tape.

18 Is that correct, Judge Cherry, is that your --

19 JUDGE CHERRY: Yes.

20 JUDGE BERRY: Judge Memeo?

21 JUDGE MEMEO: That's fine.

22 JUDGE BERRY: Let's take a 20-minute recess and
23 be back.

24 (Recess.)

10:51A5 (State's Exhibit 18 was marked.)

ER 0851

192

1 JUDGE BERRY: You may proceed.

2 MR. GRECO: Your Honor, I provided copies of the
3 transcript of this interview to the reporter, as well as
4 to each of the three court members. The Clerk did mark
5 your Honor's copy and I don't have the exhibit -- Is that
6 Exhibit No. 18, I believe?

7 JUDGE BERRY: It is 18.

8 MR. GRECO: For the Court's reference.

9 JUDGE BERRY: Thank you.

10 MS. PUSICH: Your Honor, also, you'll be starting
11 in the middle of the last paragraph on page 2.

12 JUDGE BERRY: Thank you.

13 * * * * *

14
15 (The following portion of this transcript is the
16 audible portions of the videotaped interview,
17 marked and admitted as State's Exhibit 17, played
and reported in open court:)

18 MR. DENNIS: (Inaudible.)

10:53A9 (Inaudible) gives a fuck any (inaudible) fuck, I
20 don't care (inaudible) what are they going to do,
21 arrest me (inaudible) fucking smoke detector
22 (inaudible) I don't know.

10:54A3 (Inaudible.)

24 (Inaudible.)

25 (Inaudible.)

ER 0852

193

1 Fuck you.

10:56A2 Jeez.

3 Fucking thing (inaudible) fucking (inaudible).

11:00A4 (Inaudible) I ain't saying shit.

5 What the (inaudible).

6 (Inaudible.)

11:01A7 What the fuck is this? This is bullshit
8 (inaudible).

11:03A9 (Inaudible.)

10 Come on (inaudible), give me your best shot
11 (inaudible).

12 (Inaudible.)

11:04A3 DETECTIVE BURKE: Terry, this is Mohammad
14 Rafaquat. He's one of my partners.

15 MR. DENNIS: -- have an ashtray?

16 DETECTIVE RAFAQUAT: Yeah, I'll get you one.

17 MR. DENNIS: Thank you, I appreciate it.

18 (Inaudible.)

19 You know what? I got (inaudible) myself so
20 long --

21 DETECTIVE RAFAQUAT: No, no, no (inaudible).

22 MR. DENNIS: The last thing in the world I'm
23 worried about is getting busted for smoking.

24 Okay?

25 DETECTIVE RAFAQUAT: I don't blame you there.

194

1 (Inaudible.)

2 (Inaudible.)

3 DETECTIVE BURKE: How's that drink? Everything
4 okay?

5 MR. DENNIS: It's great (inaudible).

6 DETECTIVE BURKE: Do you want another one?

7 MR. DENNIS: Yeah, I'm halfway through this one.

8 (Inaudible.)

9 I've been drinking a lot of beer (inaudible) and
10 you get so dehydrated and everything

11 DETECTIVE BURKE/RAFAQUAT: Yeah. When you want
12 another one, let me know.

13 MR. DENNIS: I will (inaudible) fucking out of
14 hand, you know what I mean about that?

11:05A5 DETECTIVE RAFAQUAT: I'm not trying (inaudible).

16 MR. DENNIS: (Inaudible) I don't have a lawyer
17 yet or anything.

18 DETECTIVE BURKE: Do you want a lawyer?

19 MR. DENNIS: Actually, I'm just going to go ahead
20 and talk this whole thing. Fuck it. I don't need a
21 lawyer.

22 DETECTIVE BURKE: Do you have any --

23 (Inaudible.)

24 MR. DENNIS: (Inaudible).

25 DETECTIVE BURKE: Do the best we can --

1 MR. DENNIS: That's fine (inaudible) explain
2 everything to me before we go anywhere with this.

3 DETECTIVE BURKE: I'm going to try my best --

4 MR. DENNIS: This is the first time I've been
5 busted --

6 DETECTIVE BURKE: I'll do my best and Mc here
7 will back me up and anything I forget --

8 MR. DENNIS: (Inaudible).

9 DETECTIVE BURKE: Based on your phone call to our
10 dispatch center, we're investigating a homicide, based
11 on what you told the dispatcher and what you told me
12 out at the scene. You remember that?

13 MR. DENNIS: Sort of.

14 DETECTIVE BURKE: (Inaudible.)

15 MR. DENNIS: I know what happened, but I don't
16 know what I said --

17 DETECTIVE BURKE: Before we --

18 MR. DENNIS: -- so take me back.

11:06A9 DETECTIVE BURKE: Before we --

20 MR. DENNIS: You tell me what I said and we'll
21 see if I agree --

22 DETECTIVE BURKE: I will and when -- when we get
23 to that point, before we do that, I'll need to get
24 some information about you to know who you are.

25 MR. DENNIS: (Inaudible).

ER 0855

196

1 DETECTIVE BURKE: You know computers are not
2 personable (inaudible).

3 MR. DENNIS: I've been arrested for assault,
4 attempted murder, all kinds of bullshit. So, you
5 know, all you've got to do is run NCIC on me, you'll
6 find out real quick --

7 DETECTIVE BURKE: Here's some of the stuff --

8 MR. DENNIS: -- only the shit I've been caught
9 for, though.

10 DETECTIVE BURKE: How long have you been in Reno?

11 MR. DENNIS: How many times am I going to
12 answer --

13 DETECTIVE BURKE: (Inaudible) some of these
14 questions you are going to hear two or three times.

15 MR. DENNIS: (Inaudible) man.

16 DETECTIVE BURKE: How long have you been here?

17 MR. DENNIS: I came here in August of '95 to,
18 what, that's three-and-a-half years, roughly.

19 DETECTIVE BURKE: Where did you come from, Terry?

20 MR. DENNIS: Seattle.

21 DETECTIVE BURKE: That's a good town.

22 MR. DENNIS: Use to be.

23 DETECTIVE BURKE: What did you do for a living
24 when you are working? I know you're not now, but when
25 you are working.

ER 0856

197

1 MR. DENNIS: When why I was working, I was a
2 glass cutter, glazier. I can't do that anymore. I
3 hurt my back and between my (inaudible) and Vietnam,
4 my mind went tilt and I've been on disability for a
5 couple of years. I was taking drugs for that.

6 DETECTIVE BURKE: What type of drugs have you
7 been taking?

8 MR. DENNIS: (Inaudible) VA Hospital or was.

9 DETECTIVE BURKE: Here in Reno?

10 MR. DENNIS: Yeah, yeah. Prozac, (inaudible) and
11 (inaudible) for sleep.

12 DETECTIVE BURKE: Do you have a list of
13 the medications in the room at all, or a VA card --

11:08A4 14 MR. DENNIS: The VA has it on file. I've got a
15 card on me. I could tell you my doctor's name and
16 then if you wanted to check it (inaudible).

17 DETECTIVE RAFAQUAT: Do you mind if we do that,
18 Terry?

19 MR. DENNIS: (Inaudible).

20 DETECTIVE RAFAQUAT: Do you have that stuff with
21 you, your doctor's name?

22 DETECTIVE BURKE: Do you have your wallet? Did
23 they take your wallet from you?

24 MR. DENNIS: No, actually, they didn't take my
25 wallet. I'm really surprised. As a matter of fact, I

1 have a (inaudible) here somewhere along the line
2 (inaudible).

3 DETECTIVE RAFAQUAT: Do you mind if I make a copy
4 of that?

5 MR. DENNIS: I don't care (inaudible) at this
6 fucking point I couldn't really care about this.

7 (Inaudible.)

8 I missed my last one.

9 DETECTIVE BURKE: Who is your doctor, Terry?

10 MR. DENNIS: Well, they keep changing them on me.
11 Here's that, you can find out yourself, you know what
12 I mean? It would be easier for you (inaudible), you
13 know.

14 DETECTIVE BURKE: Who was your doctor, the last
15 doctor (inaudible).

16 MR. DENNIS: The last time I was inpatient, his
17 name is Dan Bibber or Biber -- Bibber, I think it was.
18 Big, old fat fucker with a beard (inaudible) I think
19 her name was (inaudible), she was scared of me.

20 DETECTIVE BURKE: Why is that?

21 MR. DENNIS: Well, because I am (inaudible). I
22 don't know who the dude's name is, his first name is
23 John, he run the ADPT program down there on the fourth
24 floor at the hospital, he knows probably a little bit
25 more about me than anybody else does down there. See,

1 I was giving her a bad time but I was really being
2 nice but she was scared of me because she didn't see
3 me before and didn't know anything (inaudible) and he
4 came in and told I was having a good day compared
5 to (inaudible), gone in there before. The last time I
6 checked in, I checked myself in about a month ago and
7 told them that I had this thing going. I picked up a
8 gal and my thing was to hold her, torture her and
9 kill, you know (inaudible) I went to the hospital and
10 I told them. Look, I have this thing in my head, this
11 is what I want to do, and they held me for a week and
12 they cut me loose, and I came back out and did it.
13 It's like, fuck, what's wrong with this?

11:10A4

DETECTIVE BURKE: All right. We're --

15 MR. DENNIS: Somebody should have stopped me
16 somewhere along the line, don't you think?

17 DETECTIVE BURKE: Yeah, they should have. We're
18 going to have to jump right into this, okay, because
19 we're -- you're --

20 MR. DENNIS: I know, we've gone past something
21 here.

22 DETECTIVE BURKE: Yeah. Like I explained to you
23 before, we're investigating a homicide based on your
24 comments to the -- when you called the dispatch and
25 asked for the police officers to come to the house.

1 MR. DENNIS: Yeah.

2 DETECTIVE BURKE: Okay. To protect your rights
3 and our rights (inaudible) I'm going to stop for a
4 second and let me read you your rights.

5 MR. DENNIS: Yeah.

6 DETECTIVE BURKE: Now I have to read them to you
7 on tape, for your rights and mine, so to prove I read
8 them (inaudible) --

9 MR. DENNIS: -- Mirandize (inaudible).

10 DETECTIVE BURKE: Okay.

11 MR. DENNIS: You have the right to remain silent,
12 anything you say may and will be used against you
13 (inaudible) --

14 DETECTIVE BURKE: You have (inaudible) better
15 than I do.

16 MR. DENNIS: This ain't my first rodeo.

17 DETECTIVE BURKE: Okay. Transcriber, should
18 say this in reference to RPD 64128-999. Today's date
19 is the 9th of March, the time is 1708. Present is one
20 Terry Jess Dennis and myself, Detective Burke, and
21 Detective Rafaquat.

11:12A2 Terry, like I explained to you off tape, we're
23 investigating a homicide that occurred over at the
24 Horseshoe Motel based on your phone call to our
25 dispatch center.

ER 0860

1 MR. DENNIS: Uh-huh.

2 DETECTIVE BURKE: Before we go into any
3 questioning of that, to protect your rights and our
4 rights, I need to read you your Miranda rights, and
5 the first you will be asked (inaudible)

6 DETECTIVE RAFAQUAT: I'll go grab one.

7 DETECTIVE BURKE: (Inaudible).

8 MR. DENNIS: I have the right to remain silent.
9 I have the right to refuse questioning until such time
10 as I request a lawyer and (inaudible), I may or may or
11 may not give up those rights. I know this shit more
12 than you do.

13 DETECTIVE RAFAQUAT: No, no, now come on. It's
14 been a long day. You're downing that Coke pretty
15 good. You must have been --

11:13A6 MR. DENNIS: Dehydrated, man.

17 DETECTIVE RAFAQUAT: Oh, yeah.

18 MR. DENNIS: (Inaudible).

19 DETECTIVE RAFAQUAT: You have anything to
20 eat?

21 MR. DENNIS: (Inaudible) yeah, I had breakfast
22 this morning. First thing I've eaten in days. Is it
23 on or off?

24 DETECTIVE RAFAQUAT: Yeah, It's off. It will be
25 (inaudible) -- okay.

ER 0861

1 (Inaudible).

2 DETECTIVE BURKE: Okay. I'm going to do it
3 again.

4 MR. DENNIS: (Inaudible).

5 DETECTIVE BURKE: Okay, Terry, you have the right
6 to remain silent. Anything you say can be used
7 against you in a court of law. You have the right to
8 talk to a lawyer and have him present with you while
9 you are being questioned. If you cannot afford a
10 lawyer, one will be appointed to represent you for any
11 questioning, if you wish one. Do you understand these
12 rights as I've explained to you?

11:14A3 MR. DENNIS: Yes.

14 DETECTIVE BURKE: Having these rights in mind,
15 did you wish to talk to us now?

16 MR. DENNIS: Yes, I'll tell you what happened,
17 and (inaudible) I'll tell you how it happened.

18 DETECTIVE BURKE: What I need you to do for me is
19 is initial one through four, and (inaudible) one and
20 two right here and then your signature.

21 MR. DENNIS: (Inaudible) write anything down
22 (inaudible).

23 DETECTIVE BURKE: I just need your initials here
24 that just shows that you understand what I just read
25 to you.

ER 0862

203

1 MR. DENNIS: (Inaudible).

2 DETECTIVE BURKE: Yeah.

3 DETECTIVE RAFAQUAT: Terry, you understand we
4 want to talk to you, we want to hear what you have to
5 say, how it happened (inaudible) we have to do this
6 for administrative --

7 MR. DENNIS: Yeah, yeah, I know (inaudible) dot
8 the I's, cross the T's, I understand all that. Like I
9 said, this isn't my first fucking rodeo. Come on,
10 give me a break.

11 DETECTIVE BURKE: (Inaudible) put yes in number
12 one and number two (inaudible).

13 MR. DENNIS: Sure, why not. Hey, you guys, like
14 I said, this ain't my first rodeo. Like I said, I
15 don't give a fuck at this point, so, you know, I'll
16 try and make it easy on you, make it easy on me. I
17 appreciate you letting me smoke and shit. You know
18 what? That's the best thing you could of done.

11:15A9 19 DETECTIVE BURKE: We want to make this very easy
20 you.

21 MR. DENNIS: You want to go home.

22 DETECTIVE RAFAQUAT: (Inaudible) we're here
23 (inaudible).

24 MR. DENNIS: Yeah, yeah, whatever, whatever.

25 DETECTIVE RAFAQUAT: Did I get you a Coke?

204

1 MR. DENNIS: (Inaudible) you can get me another
2 one, if you want.

3 DETECTIVE RAFAQUAT: (Inaudible) do you want one
4 right now?

5 MR. DENNIS: (Inaudible).

6 DETECTIVE RAFAQUAT: All right.

7 MR. DENNIS: (Inaudible).

8 DETECTIVE RAFAQUAT: Yeah, I know. Okay.

9 MR. DENNIS: We can do this --

10 DETECTIVE RAFAQUAT: You've been here four-and-a-
11 half years?

12 MR. DENNIS: Three and a half.

13 DETECTIVE RAFAQUAT: Three and a half. Have you
14 worked at all while you've been in Reno?

15 MR. DENNIS: A couple of days at Labor Ready a
16 little bit, and then I worked at Cal-Neva for a couple
17 of weeks and I worked at the Flamingo for a couple of
18 weeks; other than that, no.

19 DETECTIVE BURKE: Do you have any family here?

20 MR. DENNIS: No, I don't.

21 DETECTIVE BURKE: Do you have any family back
22 in Seattle?

23 MR. DENNIS: I have a son and three ex-wives.

24 DETECTIVE BURKE: I'm not far behind; I have two
25 ex-wives.

ER 0864

205

1 MR. DENNIS: I have a son (inaudible) he's like
2 22, 23 in August. He doesn't want nothing to do with
3 me so, you know, his mom raised him and poisoned his
4 mind (inaudible) whatever. It has nothing to do with
5 this.

11:16A6 DETECTIVE BURKE: I know.

7 MR. DENNIS: Let's cut to the chase. What do you
8 want to know?

9 DETECTIVE BURKE: Well, how long (inaudible).

10 MR. DENNIS: (Inaudible) cut to the chase here.

11 DETECTIVE BURKE: How long had you been staying
12 at that motel?

13 MR. DENNIS: I got there on (inaudible), I
14 believe.

15 DETECTIVE BURKE: Which would have been --

16 MR. DENNIS: The 3rd.

17 DETECTIVE BURKE: (Inaudible) do you recall --

18 MR. DENNIS: (Inaudible) receipts there, I don't
19 know, I'm sure you guys swept the room (inaudible) you
20 know.

21 DETECTIVE BURKE: Do you recall what room you
22 were in when you first checked in?

23 MR. DENNIS: Yeah, I was in 210 first and, I
24 don't know, a day or two later came and told me they
25 had that room rented to someone else, it was suppose

1 to be a non-smoking room, so I moved upstairs.

2 DETECTIVE BURKE: Did you check in (inaudible).

3 MR. DENNIS: Not on paper, but yeah.

4 DETECTIVE BURKE: Who did you check --

11:17A5 MR. DENNIS: Actually, no, I checked in by myself

6 and then I picked this broad up, I don't know, that

7 night or the next night. I don't know exactly.

8 DETECTIVE BURKE: This broad, can you describe

9 her?

10 MR. DENNIS: The dead one in the room, yeah.

11 DETECTIVE BURKE: So you checked into the first

12 room?

13 MR. DENNIS: I checked in by myself. I went

14 there by myself, and then I went over to --

15 (inaudible) oh, West Second Street bar, yeah

16 (inaudible) Karoake joint, because I like to do

17 Karaoke, and I ran (inaudible) along the

18 way and she was -- she didn't have a coat on. It was

19 colder than shit out, she didn't have a coat on or

20 anything. I took my coat off and put it on her, and

21 we got talking and shit, and so I took her over to the

22 bar, sang her a couple of songs and we went back to my

23 room.

24 DETECTIVE BURKE: Okay. Let me backtrack a

25 little bit. You checked into the motel room about

1 what time on the 3rd, do you remember, morning,
2 afternoon, night?

11:18A3 MR. DENNIS: I'm not sure. It might have been
4 like 10:00, 11:00 in the morning. I'm not sure.

5 DETECTIVE BURKE: What time did you go to the
6 Second Street bar?

7 MR. DENNIS: (Inaudible) that was probably --
8 well (inaudible) about 9:00. I think I got there
9 about 8:00.

10 DETECTIVE BURKE: Did you know anybody
11 (inaudible)?

12 MR. DENNIS: (Inaudible) no, that was the first
13 night (inaudible), that would have been Friday night,
14 I'm not sure or Thursday. I'm not sure. I'm not
15 sure.

16 DETECTIVE BURKE: Okay.

17 MR. DENNIS: Like I say, (inaudible) vodka
18 a day for the last week and I'm just not sure about a
19 lot of things.

20 DETECTIVE BURKE: When you were in the bar, do
21 you know anybody in that bar? Is there any particular
22 reason you go to that bar?

23 MR. DENNIS: Just because it's a lot of fun. I
24 like to sing and I've always been well-received there.
25 The guy that -- the kind of like disc jockey guy --

1 thanks -- calls me by my monitor.

11:19A2 DETECTIVE BURKE: What do you go by, your
3 monitor?

4 MR. DENNIS: (Inaudible) and, you know, it's a --
5 it's a fun place, it's a fun ass fucking place. It's
6 real loose, it's a lot of women, you know, it's a fun
7 place.

8 DETECTIVE BURKE: What's the DJ's name?

9 MR. DENNIS: I don't know (inaudible)

10 DETECTIVE BURKE: (Inaudible) do you remember
11 what he looks like, white guy, black guy?

12 MR. DENNIS: He was white.

13 DETECTIVE BURKE: Is he there all the time?

14 MR. DENNIS: Yeah, he's the guy that runs the --
15 the Karaoke thing.

16 DETECTIVE BURKE: In the evening?

17 MR. DENNIS: Yeah, they start at 9:00 and they
18 run until about, what, 4:30 in the morning. They
19 don't even open the place until 2:00 in the afternoon.
20 It's a nighttime club kind of thing, West Second
21 Street Bar. It's right across from (inaudible).

22 DETECTIVE BURKE: So you're in the bar?

23 MR. DENNIS: I picked her up on the way to the
24 bar.

11:20A5 DETECTIVE BURKE: Where did you pick her up at?

1 MR. DENNIS: On the street.

2 DETECTIVE BURKE: Second Street?

3 MR. DENNIS: Yeah.

4 DETECTIVE BURKE: Fourth Street?

5 MR. DENNIS: (Inaudible) no, Second Street,
6 Second Street because, you see, she -- she had a goofy
7 ass fucking hat on and we started talking and
8 she didn't have a coat on, it was cold out. So then
9 she was telling me that this guy that she had been
10 with beat her up. I mean, she -- fuck, she
11 had two black eyes, telling me about how she was all
12 bruised up and beat up and everything, so I said fuck
13 that shit, come with me. I took my coat off, put it
14 on her, come on, come on, I'll buy you couple of
15 beers, we'll talk about it, and then you go point this
16 fucker out to me and we'll take care of this crap and
17 get your coat back, and that (inaudible).

18 DETECTIVE BURKE: If you could rewind the tape in
19 your head, could you narrow down what day it might
20 have been exactly? I (inaudible) point of reference?

11:22A1 MR. DENNIS: I -- I took the room on the
22 (inaudible) so this -- I think I went there on
23 Wednesday night and probably Thursday night. It might
24 have been Thursday night, I'm not sure, but I think
25 now probably.

1 DETECTIVE BURKE: Anything out of the ordinary
2 stand out for either night?

3 MR. DENNIS: I was pretty drunk, nothing stands
4 out (inaudible).

5 DETECTIVE RAFAQUAT: Where on Second Street did
6 you first encounter her?

7 MR. DENNIS: Right by Cal-Neva, right there on
8 Virginia, Second and Virginia probably. I was heading
9 up to -- up to the bar there, up to West Second to the
10 Karaoke joint and she was coming down Virginia and
11 across the street just as I was coming across and --

12 DETECTIVE RAFAQUAT: What did she tell you her
13 name was?

14 MR. DENNIS: Fuck, it's a weird name, like
15 Yolana, something like that. To tell you the
16 truth, I don't remember, something like that.

17 DETECTIVE BURKE: Terry, you've been around a
18 lot. Did it appear to you like she was a working
19 girl, a prostitute?

11:23A0 MR. DENNIS: No, no, no, no. What she looked
21 like to me was a woman who had been seriously abused
22 and needed somebody to take her under their wing.

23 DETECTIVE BURKE: Let me break in for a
24 second. In your walking around downtown or being
25 in downtown for a while, had you ever seen her before?

1 MR. DENNIS: No, no, no.

2 DETECTIVE BURKE: Sorry to interrupt. Go ahead.

3 MR. DENNIS: No, no, that's --

4 DETECTIVE RAFAQUAT: So probably Thursday, maybe
5 Friday?

6 MR. DENNIS: Probably Thursday night.

7 DETECTIVE RAFAQUAT: Is when you -- when you meet
8 her?

9 MR. DENNIS: I think so, yeah.

10 DETECTIVE RAFAQUAT: And she at in (inaudible)
11 state and she's cold and you offer her a coat?

12 MR. DENNIS: Yeah.

13 DETECTIVE RAFAQUAT: You console her --

14 MR. DENNIS: Yeah.

15 DETECTIVE RAFAQUAT: (Inaudible) and you offer
16 her to go with you --

17 MR. DENNIS: Yeah.

18 DETECTIVE RAFAQUAT: -- the Karaoke bar and have
19 fun; am I right?

20 MR. DENNIS: Yeah.

21 DETECTIVE RAFAQUAT:: (Inaudible).

22 MR. DENNIS: (Inaudible) and then she came back
23 to my room with me.

24 DETECTIVE RAFAQUAT: Do you recall how long you
25 stayed in that bar (inaudible) the bar Karaoke bar?

11:24A1

MR. DENNIS: Probably about 4:00, 4:30, I don't know (inaudible).

DETECTIVE RAFAQUAT: This person that runs the Karaoke, he knows you as TJ?

MR. DENNIS: Yeah, he calls me (inaudible) I do a pretty good job --

DETECTIVE RAFAQUAT: (Inaudible).

MR. DENNIS: Well, TJ and (inaudible) yeah (inaudible).

DETECTIVE RAFAQUAT: Would he remember if you went --

MR. DENNIS: Oh, yeah.

DETECTIVE RAFAQUAT: To narrow down the date --

MR. DENNIS: (Inaudible) I'm not sure. I'm telling you, I don't know.

DETECTIVE BURKE: Was there anybody else -- going back to the bar, was there anybody else that you remember talking to that you --

MR. DENNIS: I talk to everybody, man (inaudible).

DETECTIVE BURKE: (Inaudible) calling your buddy or --

MR. DENNIS: No, no, no, no. I don't have like real close friends. The bartender might remember me, I don't know her name either. The girl was

1 drinking salty dogs.

2 DETECTIVE RAFAQUAT: This Yolana?

3 MR. DENNIS: Whatever the fuck her name is, yeah,
4 Yolana, something like that, I don't know. That's
5 what she was drinking, salty dog -- Oh, I ran into
6 this guy from Seattle (inaudible) he's from Washington
7 state (inaudible) and I ran into him at the Cal-Neva
8 and he was arguing with his old lady and I told him
9 about the Karaoke joint and he showed up over there,
10 but he probably went home by now.

11:25A1 No, the guy that runs the Karaoke shit would
12 remember me because I've been there a lot. Now the
13 girl I was with maybe, maybe not. I don't know, but
14 she had this weird fucking hat on. When you get down
15 to the room, you'll see what I mean (inaudible)
16 fucking Mongolian things with the fur around them like
17 this only with fur around it, real strange (inaudible)
18 (inaudible)

19 DETECTIVE BURKE: What were you wearing? Were
20 you the same --

21 MR. DENNIS: The same shit I have right now.

22 DETECTIVE RAFAQUAT: Hey, Terry, would you --
23 when you first see her, the hat draws your attention
24 (inaudible).

25 MR. DENNIS: Yeah.

ER 0873

214

1 DETECTIVE RAFAQUAT: (Inaudible).

2 MR. DENNIS: (Inaudible).

3 DETECTIVE RAFAQUAT: Looked like somebody who had
4 somebody's (inaudible).

5 MR. DENNIS: Yeah.

6 DETECTIVE RAFAQUAT: All right. Were there any
7 other things about her that attracted you to her, was
8 there any attraction (inaudible).

9 MR. DENNIS: She just looked like she needed
10 somebody to fucking help her out and take care of her.

11:26A1 DETECTIVE RAFAQUAT: Okay.

12 MR. DENNIS: And that's (inaudible).

13 DETECTIVE RAFAQUAT: Okay. And then you
14 (inaudible).

15 MR. DENNIS: (Inaudible) we drank for days, we
16 were putting a fifth away every few hours.

17 DETECTIVE BURKE: (Inaudible) after you
18 guys you were in the bar, you close the bar down at
19 4:30 in the morning, she goes home with you?

20 MR. DENNIS: Yeah.

21 DETECTIVE BURKE: (Inaudible) that's at the
22 Horseshoe?

23 MR. DENNIS: Yeah. I stopped and got a fifth of
24 vodka on the way and orange juice.

25 DETECTIVE RAFAQUAT: How are you getting around,

1 Terry, walking or --

2 MR. DENNIS: Walking, uh-huh (inaudible). What's
3 that got to do with anything?

4 DETECTIVE BURKE: It just gives us a time line of
5 where you're at.

6 MR. DENNIS: (Inaudible) 10 minutes
7 tops from there to there, tops.

8 DETECTIVE BURKE: How do you (inaudible) after
9 you met her and everything?

10 MR. DENNIS: Yeah, you know, the thing is, we got
11 talking. Like I said I'm going to cut to the chase
12 here. You guys want to go through all this other
13 bullshit, it ain't important. I'm going to cut to the
14 chase right here and right now. We got to talking, I
15 don't know Thursday night, Friday night, Saturday
16 night, whatever the hell it was, I don't even know,
17 but we got talking and she was asking me personal
18 questions, you know, like who I really am and shit,
19 you know, what I'd done and stuff and, you know, I
20 said, well, I'm a Vietnam Vet and I've done a lot of
21 things I'm not very proud of and shit. So we started
22 talking about that. And she asked me if I ever killed
23 anybody and I said of course I have. And she said,
24 "No, you haven't, you're not capable, you're too
25 kind," and that's when things went wrong.

11:28A1

DETECTIVE BURKE: What do you mean by "things
went wrong," Terry?

2

3

MR. DENNIS: Well, I treated her wrong. Okay?

4

5

DETECTIVE RAFAQUAT: Did you personally take that
as a challenge because she was calling you on it?

6

7

MR. DENNIS: Uh-huh, uh-huh, yeah. I'd killed
other people but something about the way she said it.

8

9

DETECTIVE RAFAQUAT: Kind of challenged your
capabilities?

10

MR. DENNIS: Sure.

11

DETECTIVE RAFAQUAT: (Inaudible).

12

13

14

15

16

MR. DENNIS: (Inaudible) what the fuck are you
talking about, you know? We were making love -- well,
sort of kind of -- (inaudible) in the ass and she
didn't like that much, and she said that I wasn't
capable of killing anyone. So I proved her wrong.

11:29A7

18

DETECTIVE BURKE: How did you prove her wrong?
What did you do to prove her wrong?

19

MR. DENNIS: I strangled her.

20

21

DETECTIVE BURKE: Did you use clothing, rope,
hands?

22

23

24

25

MR. DENNIS: Oh, a belt at first and I -- then
I tossed the belt (inaudible) finished her up with my
hands. That ought to be enough, guys, that ought to
be enough. I don't know anything else I can say,

1 that's it.

2 DETECTIVE BURKE: Terry, I overheard you say that
3 when you and her were having this discussion
4 beforehand when she's asking you if you killed anyone
5 and your response was, "Well, sure, I have," and then
6 she didn't believe you --

7 MR. DENNIS: Yeah.

8 DETECTIVE BURKE: -- called you incapable of
9 doing it --

10 MR. DENNIS: Uh-huh.

11 DETECTIVE BURKE: When you responded to her that
12 you had, were you referring to some other stuff we
13 don't know about or are you talking to -- about in war
14 in Vietnam, if you want to answer that question?

11:30A5 MR. DENNIS: Do you want to hear an answer?

16 DETECTIVE BURKE: I would like to hear an answer.

17 MR. DENNIS: I bet you would (inaudible).

18 DETECTIVE BURKE: Okay. A "yes" or "no" is again
19 up to you. Were you referring to some -- your
20 experience in Vietnam or back in the states?

21 MR. DENNIS: (Inaudible).

22 DETECTIVE BURKE: Well, I -- let's do this.

23 Let's just (inaudible) for a second. When you took
24 her response and she tells you that you haven't killed
25 anybody and you take that as a challenge, what

1 type of mind frame were you in? Did you (inaudible),
2 were you taking any of your prescriptions?

3 MR. DENNIS: No, actually, I'd been off my
4 medication for about a week.

5 DETECTIVE BURKE: What I'm trying to get to is
6 did you know when you were strangling her what you
7 were doing?

11:31A8 MR. DENNIS: Of course.

9 DETECTIVE BURKE: Well, I've got to ask.

10 MR. DENNIS: Jesus Christ, you some kind of
11 fucking (inaudible) how can a person (inaudible).

12 DETECTIVE BURKE: Was this related in any way
13 related to sex, was this a sexual act or was this
14 simply a response to her challenge to you that you
15 were not capable?

16 MR. DENNIS: It was a response to the challenge
17 but sex was happening at the same time. So, yes, I
18 was excited, the act itself was a response to the
19 challenge. It's hard to remember explain.

20 DETECTIVE BURKE: Let me ask you a follow-up
21 question.

22 MR. DENNIS: Go ahead.

23 MR. GRECO: The act of violence towards her in
24 response --

25 MR. DENNIS: (Inaudible) violent (inaudible)

1 seemed like a natural thing.

11:32A2

2 DETECTIVE BURKE: Okay, your response to her
3 challenge --

4 MR. DENNIS: That's not violence to me, violence
5 is things (inaudible) --

6 DETECTIVE BURKE: Guts and bullets and
7 (inaudible).

8 MR. DENNIS: Fuck, yeah. Fuck yeah.

9 DETECTIVE BURKE: This is a normal act of sex
10 with you, this is --

11 MR. DENNIS: No, it's not a normal thing with sex
12 with me (inaudible).

13 DETECTIVE BURKE: Let's use your word, normal
14 act or normal for you --

15 MR. DENNIS: It felt right.

16 DETECTIVE BURKE: It felt right to you, that felt
17 right. Did that do anything to you sexually?

18 MR. DENNIS: No, that wasn't -- that wasn't what
19 it was about --

20 DETECTIVE BURKE: (Inaudible) I'm just asking
21 (inaudible).

22 MR. DENNIS: You asked and I told you. That
23 wasn't it. It was a challenge, this bitch don't know
24 me from anybody, you know what I'm saying?
25 (Inaudible) kill anybody, yeah, no, shit. Well, guess

1 what? Fuck, there you go.

2 DETECTIVE BURKE: Now, you I heard you say that
3 the two of you had been drinking heavily --

11:33A4 MR. DENNIS: Yeah.

5 DETECTIVE BURKE: -- from the time you met her
6 until this point in time --

7 MR. DENNIS: (Inaudible).

8 DETECTIVE BURKE: -- at that time.

9 MR. DENNIS: Yeah.

10 DETECTIVE BURKE: How drunk or intoxicated would
11 you say you were?

12 MR. DENNIS: Compared to what?

13 DETECTIVE BURKE: Compared to (inaudible).

14 MR. DENNIS: About the same probably.

15 DETECTIVE BURKE: About the same?

16 MR. DENNIS: Yeah, probably.

17 DETECTIVE BURKE: In addition to alcohol that
18 you --

19 MR. DENNIS: I've been (inaudible) for a lot
20 of years (inaudible).

21 DETECTIVE BURKE: Some of the prescribed
22 medications that you had been taking but hadn't taken
23 in about a week or so, was there any other drugs
24 involved?

25 MR. DENNIS: No.

ER 0880

1 DETECTIVE BURKE: Okay. What happens to you
2 when (inaudible) you know your body better than I do,
3 if you don't get your prescribed medication?

4 MR. DENNIS: (Inaudible) for a long time I've
5 been trying to tell myself and other people that I
6 really didn't need these drugs to maintain and be like
7 a normal human but I think I've been deluding myself
8 because when I don't take them, I do strange things.
9 I'm not normal.

10 DETECTIVE BURKE: Okay.

11 MR. DENNIS: I've been in mental institutions a
12 couple of times, I've been in Nevada Mental Health,
13 I've been down there at the VA Hospital. My income is
14 is from Social Security Disability because of post
15 traumatic stress disorder, antisocial. I don't think
16 I'm a (inaudible) I just don't like people much.

17 DETECTIVE RAFAQUAT:: What have you been
18 diagnosed with other than post traumatic syndrome,
19 anything else (inaudible)?

20 MR. DENNIS: Severe chronic depression, bipolar
21 (inaudible), antisocial tendencies, but that's just
22 somebody else's version.

11:36A3 23 DETECTIVE BURKE: What branch of the military
24 were you in in Vietnam?

25 MR. DENNIS: I was in the Air Force officially.

1 DETECTIVE BURKE: Unofficially?

2 MR. DENNIS: I can't tell you. I can say
3 officially in the Air Force and (inaudible) and --

4 DETECTIVE BURKE: When you did move from Room 210
5 up to the room that (inaudible)?

6 MR. DENNIS: I don't think we? We already did
7 this.

8 DETECTIVE BURKE: I don't think we covered --

9 MR. DENNIS: I think -- I was there for about a
10 day or two days. The dude that rented the room wasn't
11 supposed to, so then the manager or whatever came and
12 knocked on the door and said I had to move from that
13 room to the one where I was (inaudible) wasn't
14 suppose to rent the other room (inaudible).

15 DETECTIVE BURKE: Yeah. In fact, we'll take a
16 another couple minute break (inaudible). You need
17 to use the restroom (inaudible)?

18 MR. DENNIS: (Inaudible) this is my last one, so
19 we'll all be happy about that I bet. Thanks.

20 DETECTIVE BURKE: We'll go off tape at 1733.

21 MR. DENNIS: (Inaudible).

22 DETECTIVE RAFAQUAT: No, just put that here --
23 We'll take a break.

24 * * *

25 ER 0882

1 MR. GRECO: While the room is empty, it's
2 17:29:59 on the tape, I'm going to fast forward through
3 the next two minutes while the room is empty. Ms. Pusich
4 agrees with that.

11:38A5 MS. PUSICH: That's correct.

6 JUDGE BERRY: That's stipulated to by the
7 defense?

8 MS. PUSICH: It is.

9 MR. GRECO: We're resuming at 17:31:58.

10 * * * * *

11

12 (The following portion of this transcript is the
13 audible portions of the videotaped interview,
14 marked and admitted as State's Exhibit 17, played
and reported in open court:)

14

15 DETECTIVE RAFAQUAT: I'll bring you another Coke
16 here (inaudible). Are you hungry or anything, do you
17 want anything? We got --

18 MR. DENNIS: What do you have?

19 DETECTIVE RAFAQUAT: I don't know. I can scrape
20 up something?

21 MR. DENNIS: Burger or sandwich (inaudible).

22 DETECTIVE RAFAQUAT: (Inaudible) out of the
23 machine. Oh, come on.

24 MR. DENNIS: Whatever. Surprise me.

25 DETECTIVE RAFAQUAT: All right. Fine.

11:39A1 MR. DENNIS: (Inaudible).

2 (Inaudible).

11:41A3 (Inaudible).

11:42A4 (Inaudible).

5 * * *

11:43A6

7 MR. GRECO: The defense and I have stipulated
8 that the tape could be fast forwarded to 17:46:32, which
9 is where the detectives re-enter the room, and we also
10 stipulate that during the intervening 10 minutes the
11 defendant intermittently talks to himself, saying the
12 things reflected on the transcript on page 35. That will
13 save time.

14 MS. PUSICH: We stipulate to that.

15 JUDGE BERRY: Based on counsel's stipulation, you
16 may fast forward.

17 Based upon counsel's stipulation, and as part of
18 the record, that portion where the defendant was alone in
19 the tape, that's part of the record, along with the
20 transcript for those portions have been transcribed.

21 MS. PUSICH: Thank you, your Honor.

11:44A2 * * * * *

23 (The following portion of this transcript is the
24 audible portions of the videotaped interview,
25 marked and admitted as State's Exhibit 17, played
and reported in open court:)

ER 0884

1 DETECTIVE BURKE: Will that do, will that do?

2 MR. DENNIS: (Inaudible) sitting here

3 thinking (inaudible).

4 DETECTIVE BURKE: Well, you know --

5 MR. DENNIS: I know, it's smaller.

6 DETECTIVE BURKE: You need a fork or something?

7 MR. DENNIS: No.

8 DETECTIVE BURKE: You sure?

9 MR. DENNIS: (Inaudible).

10 DETECTIVE RAFAQUAT: (Inaudible) finish up

11 eating and we'll take up where we --

12 DETECTIVE BURKE: Take your time, have something

13 to eat. I hope that's hot enough. I might have

14 gotten it a little too hot.

15 MR. DENNIS: That's all right (inaudible).

16 DETECTIVE BURKE: I'll get you more.

11:46A7 MR. DENNIS: Oh, cool.

18 DETECTIVE BURKE: (Inaudible).

19 MR. DENNIS: It's hot (inaudible).

20 (Inaudible).

21 (Inaudible).

11:47A2 So you got a report back on the

23 room yet?

24 DETECTIVE BURKE: No; uh-huh.

25 MR. DENNIS: How come it takes so long?

1 DETECTIVE BURKE: Well, you know, they've got to
2 go through just like we've got to go through
3 procedures, they've got to go through certain
4 procedures.

5 MR. DENNIS: (Inaudible) people (inaudible).

6 DETECTIVE BURKE: Oh, well.

7 MR. DENNIS: (Inaudible) dead for days
8 (inaudible).

9 DETECTIVE BURKE: (Inaudible).

10 MR. DENNIS: Well, (inaudible) job (inaudible)
11 a good fucking (inaudible) tear you up in court
12 (inaudible).

11:48A3 13 DETECTIVE BURKE: That can happen, that
14 definitely can happen.

15 MR. DENNIS: (Inaudible).

16 DETECTIVE BURKE: It most certainly has.

17 MR. DENNIS: What, to you personally?

18 DETECTIVE BURKE: Yeah, actually, it did, about
19 two years ago. Not on this -- not this type of
20 investigation.

21 MR. DENNIS: Seriously?

22 DETECTIVE BURKE: Yeah. Hey, he could have
23 (inaudible) and still walked.

24 MR. DENNIS: (Inaudible).

25 DETECTIVE BURKE: Okay. You're down (inaudible).

1 MR. DENNIS: Down to what?

2 DETECTIVE RAFAQUAT: (Inaudible tape. Okay, turn
3 it over (inaudible), make sure you check it first.

11:49A4 MR. DENNIS: Appreciate the chow.

5 DETECTIVE RAFAQUAT: No problem.

6 MR. DENNIS: (Inaudible) fucking (inaudible)
7 eating cop food.

8 DETECTIVE RAFAQUAT: Yeah.

9 MR. DENNIS: (Inaudible).

10 DETECTIVE RAFAQUAT: We have to change the tape.

11 MR. DENNIS: Whatever (inaudible) Whew.

12 DETECTIVE RAFAQUAT: Take your time, man.

13 MR. DENNIS: (Inaudible) probably the best food
14 I'm going to get in a while.

15 DETECTIVE RAFAQUAT: What do you prefer being
16 called, Terry -- or what was that other --

17 MR. DENNIS: TJ.

18 DETECTIVE RAFAQUAT: TJ, yeah.

19 MR. DENNIS: (Inaudible).

20 DETECTIVE RAFAQUAT: (Inaudible).

21 MR. DENNIS: They call (inaudible) goddamn
22 thing. Yeah, no, really (inaudible).

23 DETECTIVE RAFAQUAT: No problem.

24 MR. DENNIS: (Inaudible).

25 (Inaudible).

ER 0887

1 DETECTIVE RAFAQUAT: What's red duck day?

2 MR. DENNIS: Oh, it's fucking barbecue beef that
3 they've got there (inaudible). Actually, it's not
4 bad. Everybody calls it red dog. It's not bad.

5 DETECTIVE RAFAQUAT: Oops. Sorry about that.

6 MR. DENNIS: (Inaudible).

7 DETECTIVE RAFAQUAT: I've got 1757 hours.

8 DETECTIVE BURKE: Transcriber, that was Detective
9 Mohammed Rafaquat. This will be the second tape of
10 the interview. Present is myself, Detective Burke,
11 and Terry Dennis.

12 Okay, Terry, there's a couple of other things
13 that we need to ask you. First of all, I know I'm
14 backtracking a little bit, but like I said before --

15 MR. DENNIS: Got to get it straight.

16 DETECTIVE BURKE: Get it straight and get kind of
17 like where you were and when you were at -- when you
18 meet her in front of the Cal-Neva and you go to the
19 bar and you eventually go back to the motel room, back
20 to room 210. Prior to you going to the motel, being
21 moved up to the room upstairs, did you guys go out
22 anywhere, meet any of her friends?

23 MR. DENNIS: As far as I know, she didn't have
24 any friends. She had a bad relationship with this guy
25 that beat her up a lot.

ER 0888

1 DETECTIVE BURKE: Did she mention his name?

2 MR. DENNIS: No, no, because I wanted to go out
3 and find him.

11:52A4 4 DETECTIVE BURKE: Did she mention whether it was
5 a boyfriend or a husband?

6 MR. DENNIS: Just -- I think it was just somebody
7 kind of taking care of her on the street. She was on
8 the street, you know.

9 DETECTIVE BURKE: Okay. Did she say whether
10 she's from this area?

11 MR. DENNIS: I have no clue. I have no clue.

12 DETECTIVE BURKE: So you go back to the motel
13 room before you moved upstairs, you guys go out to
14 dinner, go out drinking?

15 MR. DENNIS: Yeah, I took her out to (inaudible)
16 she had breakfast, that night which ever night that
17 was, I think it was Thursday but (inaudible).

18 DETECTIVE BURKE: (Inaudible) restaurant again?

19 MR. DENNIS: The Copper Ledge at the Cal-Neva.

20 DETECTIVE BURKE: And do you remember what
21 time about?

22 MR. DENNIS: 4:00 or 5:00 in the morning. I'm
23 not sure, I'm just not sure. We were both pretty
24 drunk. I don't know.

25 DETECTIVE BURKE: Did you meet anybody there that

1 knew you or knew her?

11:53A2

MR. DENNIS: Nope.

3 DETECTIVE RAFAQUAT: Now, did you guys go back to
4 the Second Street Karaoke bar after the initial night
5 you met her, the two of you together?

6 MR. DENNIS: No, no.

7 DETECTIVE RAFAQUAT: Anywhere else --

8 MR. DENNIS: We stayed in the room. She stayed
9 in the room, I went and got more booze. We stayed in
10 the room after that and had like a continuous bought
11 of sex and slept and drank, that was what we did.

12 DETECTIVE RAFAQUAT: After you took her out to
13 eat at the Copper Ledge at Cal-Neva at 4:00 or 5:00 in
14 the morning probably Thursday night, Friday morning,
15 right?

16 MR. DENNIS: Uh-huh.

17 DETECTIVE RAFAQUAT: After that you went to your
18 room, did she at any time leave that room either with
19 you or on her own?

20 MR. DENNIS: No, not that I know of, not that I
21 know of.

11:54A2

22 DETECTIVE BURKE: Is there a phone in either
23 one of those rooms?

24 MR. DENNIS: Both of them, they all have phones.

25 DETECTIVE RAFAQUAT: Did she make a phone call?

1 MR. DENNIS: Not that I know of. See, I left a
2 couple of times to get more liquor.

3 DETECTIVE BURKE: Where did you go for the
4 (inaudible)?

5 MR. DENNIS: To the Fireside, the little store
6 right there down the street and, god what was it,
7 (inaudible) 6th was, Saturday maybe, I don't know, I'm
8 not sure, Sunday, whatever day the 6th was, I had
9 (inaudible) because I'd been playing keno at Cal-Neva
10 and I had drink toke in my pockets, and I went
11 down there but she was already dead then. And I went
12 down there and had, I don't know, three or four beers,
13 whatever, just kind of get away from her for a while,
14 and then went back to her. Like I said, she's
15 been dead for several days. I'd I went up to the room
16 and been there drinking and watching TV, sleeping and
17 all, and there she's been, you know (inaudible). For
18 some reason I -- I think I probably (inaudible) her
19 (inaudible). She was not happy, she was having a bad
20 life. This guy was beating her up and shit, I
21 really felt like and I still do feel like, you know,
22 maybe put her out of her misery, give her a better
23 place (inaudible).

11:56A4 DETECTIVE BURKE: The belt that you mentioned
25 earlier that you used initially, when you started to

1 strangle her, was it -- was she facing you when you
2 started?

3 MR. DENNIS: Uh-huh.

4 DETECTIVE BURKE: Where is that belt now?

5 MR. DENNIS: I'm not sure. Probably on the floor
6 up there.

7 DETECTIVE RAFAQUAT: Is it black, brown, red?

8 MR. DENNIS: It's kind of multi-colored,
9 actually. It's a leather, brown leather belt about
10 ye wide. It had some gray on it and some other
11 stuff. I just -- I never even got so as far to get a
12 buckle for the (inaudible) pair of pants.

13 DETECTIVE RAFAQUAT: It was minus the buckle
14 (inaudible).

15 DETECTIVE BURKE: Where did you buy it, Terry?

16 MR. DENNIS: I didn't buy it. I got it down at
17 the -- what's the name of that place (inaudible)?

11:57A8 DETECTIVE BURKE: On East Fourth?

19 MR. DENNIS: Yeah (inaudible).

20 DETECTIVE RAFAQUAT: What -- Terry, other than
21 her telling you about that one bad relationship
22 (inaudible) saw, did she talk about herself at all?
23 What do you know about her, other than that one
24 relationship?

25 MR. DENNIS: I don't remember. Honest to God, I

1 don't remember. I don't care and I didn't care then.
2 I saw her (inaudible), I saw myself as a predator.
3 She was easy and I, you know, did what I felt was the
4 thing to do. The whole time I pictured her as a
5 (inaudible). Okay? It's something I'd been wanting
6 to do for a long time and I just hadn't done it.
7 There she was and there I was and (inaudible).

8 DETECTIVE RAFAQUAT: Why had you been wanting to
9 do something like this?

11:58A0 MR. DENNIS: I don't know. I really -- it's hard
11 to explain. To see if I could, to see if I would and
12 being told that I couldn't, just kind of popped the
13 bubble (inaudible).

14 DETECTIVE RAFAQUAT: I'm going to spend a little
15 bit of time at that (inaudible).

16 MR. DENNIS: I don't give a shit. Are you a
17 psychologist or what?

18 DETECTIVE RAFAQUAT: No. I'm trying to figure it
19 out.

20 MR. DENNIS: (Inaudible).

21 DETECTIVE RAFAQUAT: I can tell you this,
22 that I do not profess to being or nor do I ever want
23 to profess to be --

24 MR. DENNIS: I've been called a sociopath,
25 and there's a reason for that.

ER 0893

1 DETECTIVE RAFAQUAT: This is just for myself to
2 understand --

3 MR. DENNIS: Go ahead.

4 DETECTIVE BURKE: Well, before he expands on
5 that, Terry, can you tell us the reason why you've
6 been diagnosed as a sociopath?

11:59A7 MR. DENNIS: Because I don't give a fuck about
8 anybody and how they feel, including myself. Whatever
9 I do is okay. Now everybody kind of takes their
10 chances if they come anywhere near me. I could be
11 whatever to whatever circumstance it calls for. Now,
12 you want to go past that, go for it, but you better
13 have credentials to understand what I'm talking about.

14 DETECTIVE BURKE: (Inaudible) were you diagnosed
15 with that here in Reno?

16 MR. DENNIS: Uh-huh, I have sociopathic
17 tendencies, so --

18 DETECTIVE BURKE: I don't mean to interrupt --

19 DETECTIVE RAFAQUAT: No, that's fine.

20 MR. DENNIS: (Inaudible) anyway, that gives you
21 another question to ask.

22 DETECTIVE RAFAQUAT: Now, on Saturday when you go
23 to (inaudible) to get away from her, you said the 6th,
24 I figured out the day, the day on the 6th was
25 Saturday --

ER 0894

12:00P1

MR. DENNIS: Yeah, that's what the tokes said,
the 6th, I knew I had to use them then, so I did that.

DETECTIVE RAFAQUAT: Okay.

MR. DENNIS: She was still alive. Yeah, she was
still alive then so it must have been Saturday
(inaudible).

DETECTIVE RAFAQUAT: This is after you had used
your (inaudible).

MR. DENNIS: (Inaudible) I just went down for
a little while, just to get away, you know.

DETECTIVE BURKE: Was she getting on your nerves
or you just tired of her?

MR. DENNIS: Yeah, kind of.

DETECTIVE BURKE: Was she nagging at you?

MR. DENNIS: She was asking too many fucking
questions, man, none of your fucking business
(inaudible) too personal. I mean, Jesus Christ, there
we were, naked and all this kind of crap. I felt she
was trying to get into my head and getting personal,
so (inaudible) I guess it was Saturday I killed her
(inaudible).

DETECTIVE RAFAQUAT: Let me -- Okay, so Saturday
night right before the act, you guys are having sex?

12:01P4

MR. DENNIS: Uh-huh.

25

DETECTIVE RAFAQUAT: This question comes up -- is

1 that the first time that discussion came up of whether
2 you killed anybody or not?

3 MR. DENNIS: (Inaudible) and, like I said, I
4 didn't really feel it was her fucking business.

5 DETECTIVE RAFAQUAT: And you guys were having
6 sex at the time?

7 MR. DENNIS: Huh?

8 DETECTIVE RAFAQUAT: You guys are having sex at
9 the time, you said you were having -- doing her from
10 the back at the time?

11 MR. DENNIS: Yeah, but she wasn't liking it.

12 DETECTIVE RAFAQUAT: (Inaudible) Yeah, okay.

13 MR. DENNIS: (Inaudible) she wasn't going for it.
14 Oh, well.

15 DETECTIVE RAFAQUAT: When you flip -- was the
16 belt or the hands the first things you that used to
17 prove to her that you could?

18 MR. DENNIS: I just reached down and grabbed my
19 belt and wrapped it around her neck (inaudible).

20 DETECTIVE RAFAQUAT: How was she positioned, was
21 she facing you, was she facing --

22 MR. DENNIS: At the time she was facing me.

23 DETECTIVE RAFAQUAT: At the time she was facing
24 you?

25 MR. DENNIS: (Inaudible) when she started fading,

1 I flipped her over and finished it, took the belt
2 off and used my hands, held her nose, covered her
3 mouth, made sure she wasn't breathing, you know.

12:02P4

DETECTIVE RAFAQUAT: Suffocated her with your
5 hand, is that what you did, or did you choke her with
6 her hands as well?

7 MR. DENNIS: Well, both, both. Choked her first
8 and then suffocated her to make sure (inaudible).

9 DETECTIVE RAFAQUAT: Again, I do not profess to
10 be a shrink, this is just trying to figure out what's
11 going on at that point in time.

12 MR. DENNIS: Good luck.

13 DETECTIVE RAFAQUAT: Are you having what kind of
14 thoughts, what kind of are you having, are you having
15 any emotions other than being angry and trying to want
16 to prove because you were challenged, are you
17 having (inaudible) your mind?

18 MR. DENNIS: No, no. I just -- actually, I felt
19 a lot of peace. I felt kind of at peace about the
20 whole thing; that, yeah, I can do this and still not
21 give a fuck, you know. I can kill somebody and not
22 even care.

23 DETECTIVE RAFAQUAT: Any flashbacks going through
24 your head?

12:03P5

MR. DENNIS: Nah, nah. She was nobody to me. It

1 didn't matter. It just didn't matter. I didn't care.

2 DETECTIVE RAFAQUAT: Nothing that you may have
3 done in Vietnam (inaudible)?

4 MR. DENNIS: (Inaudible) nothing absolutely to do
5 with anything. I killed her because I knew I fucking
6 could, that's the long and short of it.

7 DETECTIVE RAFAQUAT: She challenged you because
8 you couldn't?

9 MR. DENNIS: She said I couldn't. Proved her
10 wrong, didn't I?

11 DETECTIVE RAFAQUAT: Yeah, you did.

12 MR. DENNIS: Damn right I did.

13 What else do you need to know? Jesus Christ,
14 guys.

15 DETECTIVE BURKE: You know what I -- I need to
16 know this. We're sitting here in this room, you seem
17 like you're a pretty intelligent guy to me.

18 MR. DENNIS: I am. I'm very intelligent,
19 actually.

20 DETECTIVE BURKE: And I want to make sure you
21 understand what you're saying to --

22 MR. DENNIS: I know exactly what I'm saying.

23 DETECTIVE BURKE: (Inaudible) you're not being
24 hampered by any of the alcohol that you drank?

12:0425 MR. DENNIS: I'm not being hit, I'm not

1 being hampered. It's something that I wanted to do
2 for a long time (inaudible). She was easy, she was
3 there, perfect, she was the perfect victim, she was
4 the perfect -- just met up with the wrong guy at the
5 wrong time, I guess.

6 DETECTIVE BURKE: Let me ask you another
7 question. After the act was committed, did you talk
8 to anybody else about what had happened? I mean
9 not -- just do you think that you talked to anybody
10 while you were drinking?

11 MR. DENNIS: No.

12 DETECTIVE BURKE: Did anybody ask you, "Hey, what
13 happened to the girl we saw you with"?

14 MR. TERRY: Nobody had ever seen her or I
15 together before to even ask that, and like I say, I
16 don't have like tight friends or anything that would
17 have seen us in the first (inaudible).

18 DETECTIVE BURKE: Wasn't she with you on Thursday
19 night when you first met her at the Karoake --

20 * * * *

21
12:05P2 MR. GRECO: I have stopped the taped at 18:04.

23 JUDGE BERRY: Thank you. We'll go ahead and take
24 the noon recess. We'll reconvene at 1:30 p.m.

25 Before we break, Mr. Greco and Ms. Pusich, Judge

1 Cherry had indicated an interest in wondering if the
2 military records of the defendant had been acquired before
3 today's proceedings?

4 MS. PUSICH: Your Honor, they have not.

5 As you may recall from our early hearings, Mr.
6 Dennis was anxious to get this taken care of quickly, and
7 because of the years of service, we could not get the
8 records in time to accommodate the Court.

9 JUDGE BERRY: Is defense counsel satisfied that
10 those records would not have any additional bearings on
11 these proceedings or provide any further insight?

12 MS. PUSICH: They do have; however, the Division
13 was able to determine information from the state of
14 Washington that he was honorably discharged from service,
15 and we'll make reference to that in the Presentence
16 Investigation Report.

12:07P7 JUDGE BERRY: This Court will stand in recess
18 until 1:30.

19 (Lunch recess taken.)

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ER 0900

241

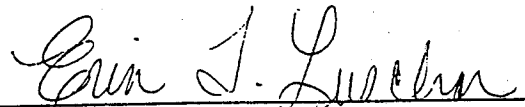
1 STATE OF NEVADA)
2 COUNTY OF WASHOE) ss.
3

4 I, ERIN T. LUSCHAR, an Official Reporter of
5 the Second Judicial District Court of the State of Nevada,
6 in and for the County of Washoe, DO HEREBY CERTIFY:
7

8 That I was present in Department No. 1 of
9 the above-entitled Court on MONDAY, JULY 19, 1998, and
10 took verbatim stenotype notes of the proceedings had upon
11 the matter captioned within, and thereafter transcribed
12 them into typewriting as herein appears;
13

14 That the foregoing transcript, consisting of
15 pages 1 through 90, is a full, true and correct
16 transcription of my stenotype notes of said proceedings.
17

18 DATED: At Reno, Nevada, this 20th day of
19 July, 1999.
20

21 
22 ERIN T. LUSCHAR, CCR #281
23
24
25

ER 0901

242

